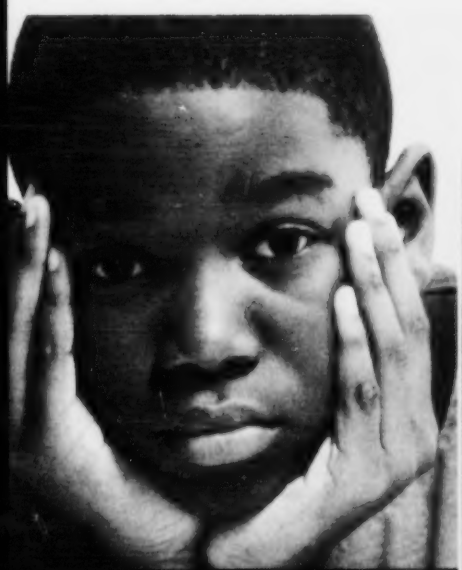
Helping kids
Protecting communities

NOVA SCOTIA



Response to the Nunn Commission

Helping kids
Protecting communities

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January 2007

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Executive Summary

Introduction and Context

On June 29, 2005, the provincial government appointed Justice Merlin Nunn to head a public inquiry into the circumstances surrounding the release of a youth offender who was convicted under the Youth Criminal Justice Act as the result of a fatal car crash. Commissioner Nunn submitted his report on December 5, 2006, including 34 recommendations:

- 19 dealing with streamlining justice administration and improving accountability
- 6 dealing with toughening the Youth Criminal Justice Act
- 9 dealing with preventing youth crime

We accept all of the recommendations.

We agree with all of the recommendations. In fact, work is already complete on 6, and underway on another 17 recommendations.

To begin the work, we are making an initial commitment of $3 million for 2007–2008. We will consider additional funding needs as part of the budget process, based on the discussion and planning that Commissioner Nunn recommends with justice and other partners in education, health, and social services.

Progress will not get lost in process. As part of our accountability to Nova Scotians, a progress report will be issued within six months.

The context for our response is linked to the pace of change within the justice system, the independence and interdependence of partners within the justice system, and the rate of youth crime, with violent youth crime up by 7 per cent between 2004 and 2005.

Our response is guided by principles relating to crime prevention, access to programs, support for families, tougher laws, integration, clear policies and procedures, and accountability.

Streamlining Justice Administration and Improving Accountability

These recommendations deal with minimizing delay between arrests and sentencing or acquittal, reviewing court procedures and administration, meeting the unique needs of youth, increasing accountability, and standardizing approaches to youth criminal justice procedures.

Minimizing Delay

Since 2003–2004, the average case-processing time for youth (144 days) has already been reduced by 24 per cent, to 110 days in 2005–2006. This represents the time from when the youth first appears in court to the time when the youth is either acquitted or sentenced. We have agreed to work with justice partners to reduce delay to a minimum. As an immediate, first step, we are committing almost $500,000 to hire more professionals to complete court-ordered mental health assessments. This will significantly reduce the need for extensions now being requested and causing delays about 80 per cent of the time.

Reviewing Court Procedures and Administration

Recommendations to improve people's understanding of the Justice of the Peace Centre, to establish an audit section, and to enhance the Justice Enterprise Information Network are being acted upon.

Meeting Unique Needs of Youth

Two new youth Crown attorneys will be hired, and police will be consulted on appointing more youth court liaison officers. The Department of Justice and the Court House Standards Committee will consider separate facilities for Youth Justice Court in the planning of the new Halifax court and all future court houses.

Increasing Accountability for Youth

An attendance centre in Halifax will open in February 2007. A bail supervision program will also get underway in February in the Halifax Regional Municipality, linked to the programs at the attendance centre. We will look at ways to expand bail supervision outside of metro, again linked to programs that help the youth stay out of trouble and get back on track. An evaluation of the Halifax attendance centre and bail supervision program will also inform this work.

Standardizing Approaches to Youth Criminal Justice Procedures

The Public Prosecution Service supports these recommendations. They have already or will share new policies and procedures with all Crown attorneys relating to pre-trial detention, responsible persons, and early findings of guilt. Justice partners, including the Public Prosecution Service, will work on developing a common protocol for arrest warrants.

Toughening the Youth Criminal Justice Act

Commissioner Nunn identifies many strengths within the Youth Criminal Justice Act, yet he also identifies the act as the "real culprit, which failed to provide an adequate response to AB's behaviour."

We have been lobbying the federal government to toughen the act since 2004. Justice Minister Murray Scott hand-delivered the Nunn Inquiry report to his federal counterpart within days of its release. Our position, consistent with Commissioner Nunn's recommendations, emphasizes the need to protect the public, give judges more flexibility to place youth in custody, and hold youth accountable for their actions.

The number of youth in custody has dropped dramatically—from 143 in 2002 to 67 in 2006.

Preventing Youth Crime

The most effective approach in dealing with youth crime is identifying and dealing with its root causes. Our work will begin with the development of a comprehensive, multi-year strategy that focuses on the needs of children, youth, and families—not on the individual mandates of departments. Work will get underway immediately and will be completed by June.

The work of the Minister's Task Force on Safer Streets and Communities will assist in preparing this strategy, particularly in the area of crime prevention. As well, the strategy will allow us to provide a comprehensive response to Commissioner Nunn's recommendations affecting the school system.

A new senior official responsible for the youth strategy will be hired early in the year. This person will report through the Deputy Minister to the Minister of Community Services, who is also the Minister responsible for Children and Youth. This will provide a clear line of accountability.

Support will be provided by an interdepartmental steering group, as recommended by Commissioner Nunn. This will support co-ordination and integration of programs and services for families, children, and youth within government and agencies.

A new Family and Youth Services Division, also recommended by Commissioner Nunn, will be established. The division will incorporate the existing community outreach branch and will focus on promoting the integrity of the family. It will also enhance work in the areas of early intervention, family counselling and support, and youth at risk.

Appendices

Three appendices are included:

- Appendix A lists the full set of Commissioner Nunn's recommendations and a summary of government's response.
- Appendix B lists existing programs and services for families, children, and youth.
- Appendix C highlights our anti-crime efforts.

Introduction

On June 29, 2005, the provincial government appointed Justice Merlin Nunn to conduct a public inquiry into the circumstances surrounding the release of a youth offender (referred to throughout this response as AB) who was convicted under the Youth Criminal Justice Act as the result of a fatal car crash. We asked Commissioner Nunn to determine, publicly and independently, what happened and what could be learned from it.

Commissioner Nunn submitted his report on December 5, 2006, including 34 recommendations:

- 19 dealing with streamlining justice administration and improving accountability
- 6 dealing with toughening the Youth Criminal Justice Act
- 9 dealing with preventing youth crime

Promise

We accept all of the recommendations. We will implement all of those within our control and work with our partners to implement the others. Based on our discussions with the federal government and our partners since December 5, we are optimistic that Commissioner Nunn's words and wisdom have produced not only new ideas, but a renewed commitment to deal appropriately with youth offenders so people and communities are safer and stronger.

Action

Perhaps the clearest signal of our commitment is that action is complete or underway on more than half of Commissioner Nunn's recommendations.

We are eager to get on with the rest of the job.

Commissioner Nunn calls on us to work with our partners on many of his justice-related recommendations. This is well underway.

Similarly, recommendation 26 calls for a provincial strategy for children and youth. Work will begin immediately, again requiring a partnership approach to develop the comprehensive, long-term plan that will have the most far-reaching benefits for children, youth, and families. This work, together with the work of the Minister's Task Force on Safer Streets and Communities, will inform the government's full implementation of recommendations 26–34, aimed at preventing youth crime and improving education for youth at risk.

To kickstart our response to the Nunn report, we are making an initial commitment of more than $3 million from the 2007–2008 budget. This funding will allow the recruitment to begin without delay for some of the new professionals required to implement the recommendations.

Action is complete or underway on more than half of the recommendations.

Specifically,

- $1 million, including $500,000 of reallocated funds, will support hiring a new senior official, the development of the child and youth strategy, and the creation of the new Family and Youth Services division within the Department of Community Services
- $461,000 to hire more mental health professionals to reduce delays in completing court-ordered assessments
- $300,000 to hire two new Crown attorneys specializing in youth crime

As well, $1.3 million has been committed to support the new attendance centre and youth bail supervision program in the Halifax Regional Municipality.

We recognize that the 34 recommendations have financial implications that go well beyond this initial investment. As Commissioner Nunn acknowledges, we must ensure our resources are directed at the highest priorities first.

We also agree with him about the need to work with our partners on many of his recommendations to support good planning and smart investments. This will help inform further budget decisions for 2007–2008 and in future years.

Accountability

Progress report published within six months.

Nova Scotians want to be sure that progress will not get lost within process—specifically, a long process of consultation and committee work. To meet this accountability, we will issue a progress report on all recommendations within six months, by June 2007.

The Bottom Line

We must act on crime and the causes of crime because inaction can cost immeasurably more: a lost future for some of our young people, a lost sense of security in our communities, and, as we have tragically learned, loss of life.

Context Shaping the Response

The events that prompted the Nunn Commission evoke a lot of emotion.

Theresa McEvoy was a mom, a wife, a sister—a cherished family member—who worked helping children. Nova Scotians shared her family's grief about an accident and death that could have been avoided.

In emotional situations, it's natural to look for a quick fix or to point fingers and lay blame. But making meaningful, effective system change is far more complex. Part of that process is understanding the context that helped shape the events.

The Context

Pace of Change

Prompted by the Marshall Commission in the early 1990s, Nova Scotia's justice system has been in a state of continuous change and improvement. It has moved

- from paper-based to web-based information systems
- from county- and municipality-based court systems and officials to a single provincial system
- from 17 former county jails to a network of five adult correctional facilities and a youth facility that is second to none

As well, Canada's first independent prosecution service has been established, and a professional justice of the peace system operates 24 hours a day, provincewide.

We also have some of the country's best programming to rehabilitate youth, such as our internationally recognized, community-based Restorative Justice program.

This change has made Nova Scotia's justice system more effective. But the pace of change—some of which was, ironically, prompted by another royal commission—contributed to some of the confusion that was evident to the Nunn Commission.

One of the most striking features of testimony before the Nunn Commission was that people working in the justice system were unsure of, or even disagreed about, some of its procedures. The pace of change is the reason why. And people's practices and assumptions often persist long after the system has changed. We need to do more to support the people in the system who are working amid this change: to ensure that they understand the system, the part they play in it, and how it and they are affected by the change.

"Priorities for Stronger Families: Nova Scotia's first Anti-Crime Agenda, including 250 new police officers to keep our streets and communities safe."

— Building for Families, Building for the Future

Interdependence and Independence

If the Marshall Commission was about independence, the Nunn Commission is about interdependence and relationships. The Nunn Commission fuels ongoing efforts to see the system as a system—that is, to see not only the independence, one from the other, of the police, prosecution, defence bar, and judiciary, but also their interdependence.

This is not to say the Marshall Commission was wrong—it was right, each part of the justice system has an independent authority that it must exercise without fear or favour—but it is also important to recognize a second principle, that none of these parts does its job in isolation. Effectiveness, in short, depends not only on how each plays its part but also on how all play their parts together.

The Nunn Commission hearings showed that this principle extends beyond the justice system to the larger social system and society as a whole. The justice system can get better at catching, punishing, and rehabilitating criminals, but real success is preventing crime in the first place. Nowhere is this more true than with young people. Their attitudes to life and people are still forming.

Between 2004 and 2005, violent youth crime up 7 per cent and overall youth crime up 3 per cent.

Rate of Youth Crime

Many Nova Scotians are growing more fearful about crime, in particular, youth crime. Statistics and personal experiences validate this concern. In response, we have placed anti-crime efforts at the top of our agenda.

Crime Prevention and Community Safety Initiatives

Safe Communities	• Minister's Task Force on Safer Streets and Communities • Safer Communities and Neighbourhoods Act • More probation officers
Law Enforcement	• More police officers • Fight against Internet-based crime • Criminal Intelligence Service Nova Scotia • Electronic Supervision • Conditional Sentence Supervision • Reward Program
Youth Crime	• Advocacy for changes to federal Youth Criminal Justice Act • Attendance centre • Bail supervision • Restorative Justice • Youth court
Drugs	• Act to Combat the Production and Illegal Use of Drugs • Provincial Drug Strategy
Effective Court Processes	• More funding for Legal Aid, youth duty counsel

See Appendix C for more detail.

Our Response

Guiding Principles

Collectively, the strengths within the system will enable us to continue building and improving. The recommendations from Commissioner Nunn will make a significant contribution to this process.

In developing this response, we are being guided by the following principles:

- The most effective way to **prevent crime** is to identify and **address its root causes.**
- Children and youth deserve **access** to the programs and services they need, at all ages and across the province.
- **Families need support** to help them meet their responsibilities to their children.
- **Tougher laws**, balanced with programming and support to try to help youth offenders turn their lives around, underpin safer communities.
- **Better integration**—within the justice system itself (among system partners and provincewide), between the justice system and communities, and among programs and services at the community level—will benefit children, youth, families, and crime prevention.
- **Clear policies, procedures, and expectations**—well communicated and supported by training—will help strengthen the links within the justice system and beyond.
- **Accountability** for results must be clear to Nova Scotians.

Streamlining Justice Administration and Improving Accountability

The Nunn Inquiry examined the circumstances that led to the release of AB from custody on October 12, 2004, and the fatal collision he caused two days later. It also examined the circumstances that led AB to the justice system in the first place. We begin our response where Commissioner Nunn started, the youth criminal justice system.

More than half of his recommendations are devoted to administration of justice and accountability issues. They fall into five categories:

- avoiding delay in youth criminal justice
- reviewing court procedures and administration
- meeting the unique needs of youth in the justice system
- increasing accountability for youth
- standardizing approaches to youth criminal justice proceedings

Avoiding Delay in Youth Criminal Justice

The Foundation

Nationally and provincially, case-processing time is generally defined as the time between (a) when the youth first appears in court to (b) when the youth is either sentenced or acquitted. Commissioner Nunn, however, suggests defining case-processing time as the time between (a) when a youth is arrested to (b) sentencing or acquittal. Most Nova Scotians would likely agree with his definition.

As Commissioner Nunn points out, conflicting statistics were presented regarding the length of time between first appearance and sentencing or acquittal. The difference exists because each province's system has different features and not all count case-processing days the same way.

The commission was provided with national statistics showing that the average case in youth court in Nova Scotia took 175 days in 2003–2004 from the time the youth first appears in court to the time the youth is either acquitted or sentenced. But Nova Scotia has a comprehensive Restorative Justice program—an effective alternative to court, but one that takes longer. When Nova Scotia's case-processing figures are adjusted to remove non-court delays, such as Restorative Justice, the average falls to 144 for the same year, which is close to the national average at that time of 141 days.

By 2005–2006, average case-processing time in youth court had improved to 110 days, a reduction of 24 per cent. (Again, this represents the time between first court appearance and acquittal or sentencing.) It does not include non-court delays such as Restorative Justice or the time between arrest and the first court appearance.

Case-processing times reduced by 24 per cent.

There are a number of reasons for this. First, as early as 2003 measures were being taken to reduce delay. In metro, youth matters were transferred from the Supreme Court (Family Division), which was generally backlogged at the time, to Provincial Court, and an additional judge was appointed. Since that time, youth matters have been transferred to the Provincial Court across Nova Scotia and two more Provincial Court judges have been appointed.

With $700,000 in funding from the Department of Justice, Nova Scotia Legal Aid added youth duty counsel. This enables youth to receive legal advice at their first appearance, reducing the number of adjournments required to arrange counsel. Legal Aid lawyers also make an extra effort to see youth within a relatively short time frame.

This progress is encouraging. As well, as Commissioner Nunn points out, some delay is "inherent and necessary" in the justice system. However, 110 court days still translate into an average time of almost four months. Commissioner Nunn, and likely most Nova Scotians, believes delay must be reduced to a minimum, particularly for youth. As well, without further intervention, the time could creep upward again.

We agree. Minimizing this case-processing time is in everyone's best interest.

Not only will this enhance efforts to keep communities safe, but research shows that youth offenders have a better understanding of how their behaviour leads to serious consequences if the consequences come as close to the offence as possible. Further, if a young person needs treatment and programming, the earlier it is received, the better.

Court Processing Times

Summarized Recommendation 1

✓ Agreed

• Underway

Youth should appear in court within a week of committing a serious offence to reduce "front-end" delay.

Summarized Recommendation 2

✓ Agreed

• Underway

Consult all justice partners, identify ways to reduce case-processing times, set realistic targets, report results twice yearly (within six months).

Comments

Working group of justice partners formed. Recommendations requested by April 1, 2007.

Recommendations expected by April 1.

Work is already underway on these recommendations.

Justice partners have formed a working group to identify ways to make the court process move as efficiently as possible. The consultation, research, and planning have already begun.

Upon receiving Commissioner Nunn's report, Justice Minister Murray Scott wrote to the chair of this working group, asking for the group's recommendations by April 1, 2007. Specifically, he has asked that they focus on the work contained in Commissioner Nunn's report.

Delay between an arrest and a first court appearance is linked to the time needed to conduct the investigation and complete the necessary paperwork for trial (disclosure documents). It is also the first opportunity for the judicial system to engage youth and impress upon them the seriousness of their actions.

Data is currently not available on the time between arrest and first court appearance. We will work with our partners to develop the systems necessary to track this information. As well, the working group will review the England and Wales project identified by Commissioner Nunn and a Manitoba project that reduces delay early in the process.

Based on the group's preliminary research, the longest delay occurs between the first court appearance and when the trial begins. For example, it can take 12 to 18 weeks between a first court appearance and trial.

Adjournments are a source of delay at this stage, with an average of 2.5 adjournments during the pre-trial stage per youth justice case in Nova Scotia. As each adjournment can take 30 days, this can significantly lengthen the court process.

Trials themselves do not take up much time. However, there can be a time lag between the finding of guilt and the sentencing. The major contributing factors here are delays in receiving a mental health assessment and a pre-sentencing report.

The working committee has been asked to identify ways to reduce delays in its April report. This could include streamlining paperwork, hiring more people, and identifying ways to avoid adjournments (such as ensuring witnesses attend court when expected).

Our own research supports the need for an immediate investment that can be taken in advance of the group's recommendations.

Specifically, the number of court-ordered mental health assessments has tripled since 2004. As a result, the Mental Health Forensic Service, based at the IWK Health Centre in Halifax, must increasingly ask for extensions from the court to complete the mental health assessments.

In 2004, health assessments were provided to the courts on time for about 80 per cent of the cases. Based on the tripling in demand, the situation has totally reversed itself. They now must ask for extensions of between two to six weeks in 80 per cent of the cases.

Almost half a million dollars to speed up mental health assessments.

The IWK has requested $461,000 to hire more professionals trained to conduct these assessments. Government is approving that funding request now so that the IWK can begin the recruitment process without delay. Based on current demand, this is expected to eliminate delay due to mental health assessments during pre-trial and sentencing.

Recruitment is a challenge because of the high degree of specialization and demand for these qualified professionals nationally. However, the IWK has a highly regarded forensic mental health team that could hold significant appeal for professionals wishing to work in this field. In addition, Dalhousie University's medical school offers specialization in psychiatry, and the psychology and social work programs offer PhD and master's degrees respectively. These factors should support the IWK's efforts to recruit for these positions.

Reviewing Court Procedures and Administration

Court procedures, including those of the Justice of the Peace Centre, received significant attention during the course of the inquiry.

In reviewing this issue, Commissioner Nunn generally concludes three things:

- the situation surrounding AB's involvement with the justice system was unique
- a complete revision of all court procedures is not required
- despite the fact that much is working well, lessons have been and continue to be learned to improve court administration and procedures

Staff training, compliance, and technology should be areas of focus. In particular,

- all partners in the justice system need to understand each other's respective roles and procedures and, most importantly, how they interrelate
- quality control and monitoring systems must be in place to ensure procedures are followed and to protect against human error
- modern technology, with staff trained to use it, must be in place to support effective communications and information exchange

Government agrees.

"... it would be terribly wrong for anyone to conclude, based on these events, that the Nova Scotia youth criminal justice is incompetent or out of control. It certainly is not."

—Commissioner Merlin Nunn

The Foundation

Commissioner Nunn acknowledges the following strengths within the youth criminal justice system:

- the professionalism of the Justice of the Peace Centre
- the skill and dedication of court staff
- the progress made prior to the inquiry in strengthening administrative procedures
- a new justice information technology system—the Justice Enterprise Information Network (JEIN)—implemented in February 2005

"From my own experience in various courts throughout the province, I am aware that we are fortunate to have the dedicated and skilled staff that we do."

—Commissioner Merlin Nunn

Further, Commissioner Nunn emphasizes the importance of training.

We agree, particularly about the need to train people about the justice system as a whole. Justice professionals are trained in their own roles, but the justice system is, in effect, a system of independent systems. We must provide training that helps all professionals understand how all parts of the system fit together.

The Justice Learning Centre will play a key role in helping respond to these recommendations.

The centre is operated through a partnership between the Department of Justice and the Nova Scotia Community College. Its goal is, in part, "to unite members of the justice community to learn from each other, share solutions and promote collaboration in an ongoing effort to make communities safer."

The centre already works with justice partners to develop and deliver training. The prime example is in domestic violence, where police, Crowns, Legal Aid, Justice Department staff, and community groups train together and learn from each other. We believe this model, which has served well in domestic violence training, will serve well in procedural training too.

Justice of the Peace

Summarized Recommendation 3

Train police on court and Justice of the Peace Centre procedures.

✓ Agreed

• Underway

Comments

The Department of Justice, in consultation with the Associate Chief Judge and the justices of the peace stakeholder group, will develop a provincial training plan for police and other justice partners.

Summarized Recommendation 4

Justice of the Peace Centre should continue to refine its procedures and ensure its processes are well understood.

✓ Agreed

• Underway

Comments

Existing stakeholder group will build on progress, based on Commissioner Nunn's work.

Training

The Justice of the Peace Centre was established in 2002 when, as Commissioner Nunn noted, the old system of largely part-time and untrained justices was replaced by experienced lawyers. To ensure judicial independence, the Associate Chief Judge of the Provincial Court oversees the justices of the peace. To improve understanding of the role of the Justice of the Peace Centre, a justice of the peace stakeholder group—consisting of provincial court judges, RCMP, Legal Aid, Chiefs of Police Association, Justice officials, federal and provincial prosecutions, and the Supreme Court—was created.

At that time, extensive training was carried out for justice partners, including police, throughout the province. However, it became apparent through the commission hearings that the role and authority of the Justice of the Peace Centre is not well understood. As a result, some procedures were recently changed, requiring a fresh round of training.

The Department of Justice, in consultation with the Associate Chief Judge and justices of the peace stakeholder group, will develop a provincial training plan for police and other justice partners.

The Department of Justice will make this training available to all justice partners throughout the province through the Justice Learning Centre.

Refining and Communicating Justice of the Peace Procedures

"I am pleased to see that the JP Centre has established new practices that relate to my concern over JP Centre procedures."
—Commissioner Merlin Nunn

The Justice of the Peace Centre has examined and revised its procedures and forms so its actions are more broadly and readily understood.

The key is to keep building on this progress and to ensure that all justice partners are kept well informed and up to date.

The Department of Justice has discussed this recommendation with the Associate Chief Judge. The Associate Chief Judge has agreed to continue working with the stakeholder group to build on their progress, particularly in line with the issues raised by Commissioner Nunn.

Audit

Summarized Recommendation 5

✓ Agreed

• Underway

Justice should establish an audit section to train staff on and to monitor compliance with court procedures.

Comment

New audit division being created. JEIN system to be modified to assist in monitoring compliance.

The department is currently introducing new quality-control systems such as an Internal Audit Division and data verification procedures. The mandate for the division will include monitoring the policy regarding computer and telecommunications equipment.

As well, the Justice Enterprise Information Network (JEIN) allows for extensive information sharing among justice partners. Over the past year, Justice has been working to expand JEIN's capabilities, including a monitoring program to assist with audit functions.

The monitoring program will record who has accessed the system, on what date, and about what person or case file. The log will be available for regular or requested audits.

Because of the need to protect sensitive information, JEIN is one of the most secure information systems in government. The new monitoring program will continue to ensure that access is controlled and personal information protected.

This monitoring program is expected to be up and running by spring.

Modern, Working Technology

Summarized Recommendation 6

Ensure all courts have modern, working technology.

✓ Agreed

• Done

Comment

New $1.9-million JEIN system connected all courts in 2005. New procedures outlined in *Provincial Court Manual*, and staff training has occurred.

Summarized Recommendation 7

Consider enhancing JEIN, including the possible development of electronic versions of court documents, with the goal of reducing multiple forms of communication for delivering crucial information.

✓ Agreed

• Underway

Comment

Technological capability exists. Issues such as legality of e-documents and protection of privacy must be resolved.

The broken fax machine at the Windsor Court House has received considerable attention. Machines break down; the system should not.

The provincial government agrees that lawyers, judges, and court staff must have the information they need, when they need it. We have taken a number of significant steps to ensure this occurs:

- In February 2005, a new information system—the Justice Enterprise Information Network (JEIN)—went live in Nova Scotia, significantly improving the effectiveness and efficiency of information sharing among all provincial and satellite courts. The $1.9-million system (cost-shared by the provincial and federal governments) is being used as a model in other provinces.

- All provincial courts* have high-speed Internet access to JEIN and to telecommunications equipment. All staff have been trained in its use.
- The *Provincial Court Manual* was undergoing a major revision in mid-2004. In early 2005, the revised manual was circulated to court administrators, and training was provided. The revised manual addresses issues such as checking dockets before court and ensuring all paperwork is available before court begins.

As Commissioner Nunn points out, "the system is only as good as its users." Again, it is a matter of appropriate training. Training was provided to all court users provincewide before JEIN went live in February 2005. The hands-on training is supported by a JEIN user guide. As well, new staff receive training when hired.

Enhancing the JEIN System

A JEIN User Network Committee is in place and meets regularly to discuss issues and improvements. The user committee is now working on updates for the *Provincial Court Manual* that will help court administrators use the JEIN system to schedule hearings and record results in a consistent way across the province.

Further enhancements to JEIN are already being considered. The Department of Justice agrees with the recommendation to continue this review, to assist in increasing the effectiveness and efficiency of communications among justice partners.

The technological capacity of JEIN exists to support these enhancements, and the system already contains all data and information about court activity. However, issues relating to the legality of e-documents and protection of privacy need to be examined with justice partners.

Meeting the Unique Needs of Youth

The unique needs of youth within the criminal justice system are a major theme running throughout Commissioner Nunn's report. The need to process cases quickly, the emphasis on rehabilitation and community programs, and the value of separating youth from adult offenders are just a few examples.

The three recommendations discussed here involve

- separate court facilities
- more youth court liaison police officers
- more youth Crown attorneys

* Sheet Harbour has dial-up access to JEIN as high-speed access is unavailable in that community.

The Foundation

Experience in the courts in the Halifax Regional Municipality gives us a model to review and to build upon, or modify, in this region and elsewhere. First, the youth court liaison officer, who by all accounts plays a positive and valuable role, sets a high standard that can be considered elsewhere.

Second, the Department of Justice has collected and published youth crime statistics in its report *Perspectives on Youth Crime in Nova Scotia,* available at <www.gov.ns.ca/just/publications>. This and other statistical information will help to determine where additional staff, training, and facilities are most needed.

"The creation of this position (Constable Richard MacDonald) ... has resulted in an extremely successful, even outstanding addition to the manner in which the youth criminal justice system operates."

—Commissioner Merlin Nunn

Court Facilities

Summarized Recommendation 8

Separate facilities for Youth Justice Court, with dedicated space for partner agencies where possible.

✓ **Agreed**

Comments

To be considered in planning for new Halifax court, and by the Court House Standards Committee.

The Department of Justice agrees with the advantages of separating youth court facilities and of co-locating programs and services. The department also agrees with Commissioner Nunn that this must be achieved without diverting resources from the "many more-immediate matters that must be identified as needing reform or change."

The Minister has forwarded this recommendation to the Court House Standards Committee, composed of representatives of the judiciary, government, and the Nova Scotia Barrister's Society. As well, planning for a consolidated court house in the Halifax Regional Municipality is at the conceptual stage. This presents an opportunity to consider this recommendation as the planning continues.

New justice centres (court houses and related facilities), just breaking ground in Lunenburg County and Yarmouth, and just opened in Port Hawkesbury, address youth needs with separate cells. Youth will also be able to travel from their cells to their court rooms without coming into contact with anyone else. Because there will be only two court rooms in Yarmouth and four in Lunenburg County, it is not possible to designate one youth court room. However, youth arraignments and trials are separated whenever possible.

This is consistent with the current practice of scheduling separate days or times for youth justice matters in other parts of the province when case numbers cannot justify separate facilities.

Beyond court houses, a separate, eight-bed youth offender unit was recently opened at the Cape Breton Correctional Centre. As well, youth are always separated from adult offenders when being transported to and from court in all parts of the province.

More Youth Court Police Liaison Officers

Summarized Recommendation 9

✓ Agreed

Consult police and encourage the appointment of more youth court liaison officers.

Comments

Department will consult police, develop recommendations.

The needs in each community differ. However, the experience in Halifax reinforces the importance of collaboration among those who are dealing with youth offenders.

The first priority is to determine the needs in specific communities, based on their rate of youth crime and their existing resources (for example, community police and school liaison officers). While community police and school liaison officers play different roles than the youth court liaison officer in Halifax, options to enhance or re-focus these roles in ways that make sense to police and to the needs of smaller communities will be considered.

The department is consulting police representatives on this recommendation. The new, provincially funded police that are being hired over the next four years provide a great opportunity.

One of the strengths of the court liaison officer position within metro is the relationship with the youth Crown attorneys. This will be considered as part of the response to both recommendations 9 and 10.

More Youth Crown Attorneys

Summarized Recommendation 10

✓ Agreed

Public Prosecution Service should consider appointing additional Crown attorneys for youth matters, where numbers warrant.

Comments

$300,000 approved for two additional youth Crowns. Public Prosecution Service will continue to review case numbers in other regions.

$300,000 for two new youth Crown attorneys.

The Public Prosecution Service supports this recommendation. An additional Crown attorney will be dedicated to youth court in Halifax and in the Cape Breton Region.

The Public Prosecution Service will continue to review case numbers in other regions to encourage specialization where numbers warrant.

Increasing Accountability for Youth; Protecting Communities

"... many young offenders are released with nothing more than a promise to appear on a date indicated, while others, even after a court appearance, are released on a 'keep the peace and be of good behaviour' undertaking."
—Commissioner Merlin Nunn

The government, and most Nova Scotians, agrees that this is unacceptable. Youth offenders must understand that there are real consequences for criminal behaviour.

As will be discussed later in this report, judges should have more flexibility under the federal Youth Criminal Justice Act to place youth offenders in custody. Additional alternatives to custody should also be available that increase accountability for youth and help reduce the risk of their re-offending, while increasing public protection.

The Foundation

Government has a tough, new anti-crime agenda that lays a solid foundation for increasing accountability for youth and protecting communities. Anti-crime efforts include more police officers, community involvement through a Minister's task force, and our first provincial crime prevention strategy.

As well, Nova Scotia established two programs, in anticipation of the Youth Criminal Justice Act, that again increase youth accountability and public safety: Restorative Justice and Intensive Support and Supervision.

More Police Officers

More police on the streets and working with our communities are critical to public safety and accountability among young people for their own actions.

The province is investing $65 million over the next four years to hire 250 new police officers. In the following years, the annual cost of these officers will be $25 million per year.

The placement of 109 of these officers over the next two years has been determined, based on consultation with law enforcement agencies.

All 55 municipalities will get at least one new officer, while Halifax and Cape Breton regional municipalities will receive 36 and 10 respectively. A strategic deployment committee, representing both government and law enforcement, has been formed to plan where the remaining officers are needed.

Minister's Task Force, Provincial Crime Prevention Strategy

The Minister's Task Force on Safer Streets and Communities has been established, with community representatives from policing, youth programming, child development and protection, higher education, and restorative justice.

The task force, supported by regional committees, will examine community programs, government services, legislation, and effective policing practices within and outside of Nova Scotia. They will identify and report on actions that are making a positive impact in communities. The report will be used to develop a provincial crime prevention strategy that can be supported by locally developed action plans.

Just as the youth strategy (recommendation 26) will better connect programs and services for children and youth with the justice system, the Minister's task force and crime prevention strategy will better connect both to the community.

Restorative Justice

Nova Scotia's Restorative Justice program receives international recognition and is the most comprehensive program of its kind in Canada.

The Restorative Justice program brings youth offenders together with the people who were harmed by the offence. Together, they must develop a plan that holds the youth accountable for his or her actions, while also supporting crime prevention through social development. And the program is getting results. A recent study showed that participants are less likely to re-offend than those who do not participate.

Intensive Support and Supervision

The province has a network of probation officers to provide a more focused approach to the support and supervision of youth offenders across the province. This network provides at least one officer specializing in youth in eight regions across the province.

As the name suggests, the probation officers delivering the program have relatively low case loads, enabling them to provide support and supervision for youth who are under community supervision, including youth assessed as a high risk to re-offend. Beyond direct supervision, their responsibilities include working with parents, working with schools and community groups, and linking young people and families with programs that meet their needs.

Attendance Centre

Summarized Recommendation 11

✓ Agreed

• Underway

Lobby federal government to remove time limits for sentencing a young person to a community program like an attendance centre.

Comments

Consistent with our position conveyed to the federal government.

Summarized Recommendation 12

Establish an attendance centre in Halifax.

✓ Agreed

• Done

Comments

Opens in February 2007. Evaluation will be conducted to assess benefits of expanding to other regions.

The federal Youth Criminal Justice Act permits judges to order a youth into community programming, like an attendance centre, but only for a maximum of "240 hours within six months." In some cases, this is not enough time for the programming available at these centres to get the youth back on track and reduce the risk of re-offending.

The time limitation in the Youth Criminal Justice Act is "madness."

—Alan Markwart, Children and Family Services, British Columbia

Nova Scotia's justice minister hand-delivered the Nunn Commission report to the federal justice minister. They met to discuss this and other recommendations relating to the Youth Criminal Justice Act.

Consistent with Commissioner Nunn's recommendation, an attendance centre will open in Halifax in February 2007. The attendance centre will provide programming to youth who are ordered by the court to participate in behaviour and education programs. Programs will include anger management, substance abuse, parenting, and employment counselling, as well as education courses.

A team of professionals—including specialists in mental health, addictions, restorative justice, education, employment, and social work—will deliver a range of programs that most effectively meet the needs of the individual youth. Government will provide almost $1.1 million to support this centre in 2007–2008.

A deputy superintendent will manage the centre's operations and will report to the superintendent of the Nova Scotia Youth Facility in Waterville. The centre will provide programming each weekday, and during evenings and weekends.

The centre will be evaluated in early 2008 to assess its effectiveness and to guide decisions on the benefits of having attendance centres like it, on a scale appropriate to the community need, elsewhere in Nova Scotia.

Bail Supervision

Summarized Recommendation 13

Make every effort to implement a bail supervision program in the Halifax Regional Municipality.

✓ Agreed

• Done

Comments

Opens in February, located at the Halifax attendance centre.

Summarized Recommendation 14

Establish a bail supervision program outside of Halifax.

✓ Agreed

Comments

We will examine how to implement bail supervision outside of Halifax. It will be linked to programs that help youth get back on track.

We want the Youth Criminal Justice Act to give judges more discretion to place youth offenders in custody. But we still have to deal with the current situation, and the majority of young people will be out on bail while awaiting trial in any event.

Young people charged with a serious, violent offence or an offence that could endanger a human life, such as home invasion or auto theft, must be closely supervised when out on bail awaiting trial. Further, the youth must know that they will be placed in custody if they break conditions of their bail. Conditions for bail supervision will include abiding by a curfew, reporting regularly to their probation officer, living where the court directs, participating in court-ordered programs, and working or attending school.

This program is also intended for youth who repeatedly disobey court orders, commit multiple offences, or show signs of escalating bad behaviour.

The bail supervision program will begin in Halifax in February 2007, supported by a $200,000 investment. Two new probation officers have been hired.

The program will be integrated with the new attendance centre. This will ensure that the youth have access to the range of programs and professionals that are most likely to help them regain control and pose less risk to the community.

We will also consider how bail supervision may be expanded outside of Halifax. To the extent possible, bail supervision should be linked to programs that help the young person stay out of trouble while on bail. In the absence of attendance centres, partnerships with community groups will need to be formed.

Other options include expanding the scope of existing community corrections services, such as the Intensive Support and Supervision Program and probation officers. Decisions will also be guided by the evaluation of the Halifax attendance centre and bail supervision program.

Standardizing Approaches to Youth Criminal Justice Proceedings

Some policies and procedures need to be standardized so that youth are treated fairly and consistently in all parts of the province. New policies should be supported by regional training so they are well understood and put into practice.

The Foundation

The Public Prosecution Service and Justice officials participated in and observed testimony at the inquiry. This, as well as internal reviews of the circumstances that prompted the inquiry, led to new policies and procedures even before Commissioner Nunn filed his report.

As well, the Justice Learning Centre, through its partnership with the Nova Scotia Community College, supports training in these new procedures provincewide.

Training Crown Attorneys

Summarized Recommendation 15

Public Prosecution Service should direct its Crown prosecutors to take a common, general approach to pre-trial detention, by ensuring that they are up-to-date in training in the Youth Criminal Justice Act.

✓ Agreed

• Underway

Comments

Policy has been communicated; training to be provided.

The Public Prosecution Service agrees that Crown attorneys should have a common understanding of what situations warrant pre-trial detention, based on the provisions of the Youth Criminal Justice Act.

The Public Prosecution Service has developed a practice memorandum to outline a standard approach in this regard. The Public Prosecution Service is committing to annual training in youth criminal justice matters, as part of its existing extensive training for Crown attorneys.

Ensuring Responsible Persons Are Responsible

Summarized Recommendation 16

Ask judges to hear evidence to determine if responsible persons are willing and able to control the youth before the youth is released to their care.

✓ Agreed

• Done

Comments

Policy has been communicated to Crown attorneys.

Youth offenders are frequently released into the care and supervision of a parent or other adult. Parents, in particular, may have the best intentions but, as Commissioner Nunn points out, their ability to control the young person must be seriously questioned: "If they can exercise control, how is it that the young person has committed the number and types of crimes that warrant detention in the first place?"

Crown attorneys have received written direction to ask judges to hear evidence to verify that responsible persons are able to exercise control over the youth before the youth is released.

Requesting Early Findings of Guilt

Summarized Recommendation 17

✓ Agreed

• Done

Ask judges to make a finding of guilt at the time of plea without waiting for sentencing.

Comments

Policy has been communicated to Crown attorneys.

Summarized Recommendation 18

✓ Agreed

Work together to identify issues that could delay the recording of a finding of guilt.

Comments

Justice partners to consult on this issue.

When a youth offender pleads guilty, the judge often delays making a finding of guilt until the youth appears for sentencing. If the youth offender offends again, he or she will be treated as a first offender because no finding of guilt has been entered on the first charge. This increases the likelihood that he or she will once again be released from custody.

To address this issue, the Public Prosecution Service has directed all Crown attorneys to seek a finding and recording of guilt at the time a guilty plea is entered. Beyond the direction in the practice memorandum, chief Crown attorneys will emphasize the importance of this issue on an ongoing basis.

Commissioner Nunn acknowledges the independence of the judiciary, which leaves the response to this request in their hands. Justice partners, including the judiciary, will consult on this issue.

Standardizing the Process of Arrest Warrants

Summarized Recommendation 19

✓ Agreed

Develop a common protocol for arrest warrants.

Comments

Justice partners to consult on this issue.

As Commissioner Nunn points out, matters dealing with arrest should be left to the police. However, the RCMP and police chiefs have agreed that this matter should be discussed among justice partners, to develop a standard procedure that would be fair and practical for all parties.

Toughening the Youth Criminal Justice Act

"Aside from the misunderstandings and missteps that occurred in relation to AB ... the real culprit, which failed to provide an adequate response to AB's behaviour, and indeed, to society's rightful expectations, was the Youth Criminal Justice Act itself."

"... From the testimony I heard, I am convinced that there was no confidence whatsoever that, even with full information before the court, a pre-trial detention order would have been issued for AB on October 12."
—Commissioner Merlin Nunn

The Youth Criminal Justice Act is federal legislation and outside our direct control. However, we can advocate—in the strongest and clearest voice—for change. That is exactly what we have been doing for the past two years.

We also share Commissioner Nunn's view—and the view expressed by other inquiry witnesses—that the act is progressive and works well for most youth, most of the time. But for those youth who are "spiralling out of control" and pose a risk to public safety, the law needs to be tougher.

Some have suggested that the Youth Criminal Justice Act would be fine if provinces would invest the transitional funding provided by the federal government for community-based alternatives to custody. We have done exactly that, and more.

The transitional federal funding has come to an end. The need to keep our communities safe has not.

Between 2000 and 2005, the federal government provided us with almost $3.9 million to bridge the transition from the old Young Offenders Act to the Youth Criminal Justice Act. That money was used to develop policies and training, establish a community-based Intensive Support and Supervision program provincewide (discussed on p. 26), and strengthen our Restorative Justice program. The last two are annual investments, far exceeding the one-time transitional funding from the federal government.

The transitional federal funding has come to an end. The need to keep our communities safe has not.

Ongoing federal funding would help us build further on our community-based programs. But our fundamental position would not change.

Some young people need to be taken out of the community and placed into custody to protect the public. But that's not the only reason for custody. The Nova Scotia Youth Facility (Waterville) provides modern programs and a means to require attendance. Specifically, custody can provide a time out and away from the problems and influences that are contributing to the youth's actions, helping to break the downward spiral we saw with AB. The programming provided in the controlled environment at Waterville offers the best chance to rehabilitate some of the youth offenders.

Finally, the limitations on custody remove an important deterrent to youth crime. Youth offenders—particularly the 5 per cent of those who are the most serious and repeat offenders—are well aware of the act's limitations. They know that they can repeatedly violate terms of probation and court orders, with little fear of being placed in custody. This is unacceptable to us, and to Nova Scotians.

The Foundation

Nationally, Nova Scotia has been leading the call for tougher legislation for two years. At a federal-provincial-territorial justice ministers' meeting in October 2006, ministers from the provinces and territories supported Nova Scotia's position.

The Nunn report adds substantial weight to our call. Justice Minister Murray Scott hand-delivered the report to the federal justice minister within days of receiving it himself. At this meeting, the federal justice minister said his government is working on draft legislation that will take into consideration Commissioner Nunn's recommendations and Nova Scotia's position.

Our position, consistent with Commissioner Nunn's recommendations, emphasizes the need to

- protect the public
- give judges more flexibility to place youth in custody, particularly before trial
- hold youth accountable for not following court-ordered conditions

Making Public Protection a Priority

Protecting the Public

Summarized Recommendation 20

✓ Agreed

• Underway

Advocate for making public protection one of the primary goals of the act.

Comments

Consistent with our position. Nova Scotia justice minister hand-delivered report to federal justice minister.

The logic of this recommendation is clear. We couldn't agree more.

Giving Judges More Flexibility

More Flexibility for Judges

Summarized Recommendation 21

Advocate for amending the definition of violent offender to include conduct that could endanger public safety.

✓ Agreed

• Underway

Summarized Recommendation 22

Advocate for changing "pattern of guilt" to "pattern of offences."

✓ Agreed

• Underway

Summarized Recommendation 23

Advocate for simplifying the rules around pre-trial detention.

✓ Agreed

• Underway

Comments

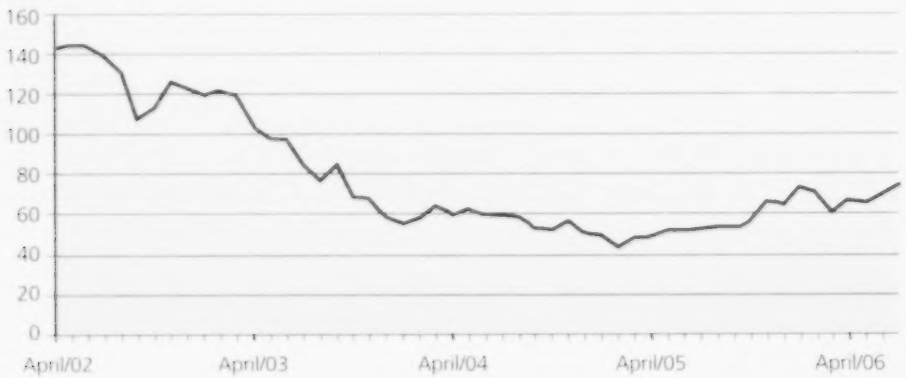
Consistent with our position. Nova Scotia justice minister hand-delivered report to federal justice minister.

Judges need to have more scope to consider custody, particularly for repeat and serious offenders awaiting trial.

While reducing youth time in custody was one of the goals of the Youth Criminal Justice Act, parliament pushed the pendulum too far. Significantly fewer youth are placed in custody.

In April 2002 (before the new act), 143 youth were in custody, either awaiting trial or as a result of sentencing. In April 2006, just 67 were in custody. At one point, the number fell below 50.

Number of Youth in Custody — April, 2002 to April, 2006
Remanded and Sentenced to Custody



Time served by those who are in custody has also dropped—by about one-third since the act came into effect in 2003.

"(Pre-trial detention) is more in line with principles of early intervention to effectively begin the rehabilitation and reintegration process ... some repeat offenders need to be brought up short, so that they become aware that their behaviour is not acceptable."

—Commissioner Merlin Nunn

Unduly restricting the ability of a judge to place a youth offender in custody is not in the best interests of public safety. It also denies a real opportunity for the youth offender to get the help he or she needs.

A further concern is that the act is offence based, and not offender based. As a result, it does not always allow for the best response that meets the behavioural needs of youth.

Often, youth offenders are influenced by a range of factors—addictions, the wrong crowd, or problems at home—and a "time out" from those people and problems helps them regain control of their behaviour. The Nova Scotia Youth Centre in Waterville has professional staff and a range of effective programs that can help the youth develop relationships and skills that can positively influence the youth's future development and actions. But youth offenders can only get to Waterville if a judge can send them there.

Currently, the act allows pre-trial detention for "violent offenders," but the term does not include all offenders who put the safety of Nova Scotians at risk—for example, youth who steal and race cars are not considered "violent" under the act. That needs to change.

Further, the act allows pre-trial detention for youth who have a "pattern of findings of guilt." The act needs to be changed from a "pattern of findings of guilt" to a "pattern of offences" so pending charges can be considered when a judge is deciding on pre-trial detention.

Another significant limitation in the act is that a judge can consider custody at the pre-trial stage only if custody is an option after the young person is found guilty. This limitation does not recognize the fundamental difference between the value of custody while the youth is awaiting trial as opposed to custody as part of sentencing.

Like Commissioner Nunn, we want the federal government to simplify the rules around pre-trial detention so that judges have more options to do what is in the best interests of public safety, and the best interests of the youth.

Holding Youth Accountable for Court-Ordered Behaviour

Summarized Recommendation 24

Advocate for requiring youth to continue court-ordered behaviour, even after a "responsible person" is no longer willing or able to provide supervision.

✓ Agreed

• Underway

Summarized Recommendation 25

Advocate for removing the need for a new bail hearing if the person previously designated to supervise the youth outside custody is no longer providing that supervision.

✓ Agreed

• Underway

Comments

Consistent with our position. Minister hand-delivered report to federal justice minister.

Currently, the judge has the option to release a youth into the care and custody of a "responsible person," usually a parent or family member. In essence, this means that the judge has determined that the youth can be released safely only if he or she is closely supervised.

This is a significant responsibility for the person providing the supervision. In some cases, the responsible person realizes, after the youth has been released into their care, that they cannot control the youth's actions. Once they indicate this to the court, they are no longer deemed responsible.

When this occurs, an arrest warrant is issued for the youth. But until the youth is picked up, he or she is no longer obligated to meet curfew, keep the peace, or follow other court orders issued when he or she was released under the supervision of the responsible person.

It is illogical to effectively reduce the youth's accountability at the same time that the supervision disappears. This needs to change.

Finally, a new bail hearing should not be needed if the person previously designated to supervise the youth outside custody is no longer willing or able to provide that supervision. The reason for this is simple. If a young person has been released to a "responsible person," a judge has already ruled that the youth could pose a risk to the community or to him or herself outside of custody and without supervision.

If the only thing that has changed is that the supervision the judge relied on is gone, why hold another hearing? Once that supervision is gone, the youth needs to be placed immediately into custody—without delay. Otherwise, everyone's safety is at risk.

Preventing Youth Crime

The most effective approach in dealing with youth crime is identifying and dealing with its root causes. This requires a focus on prevention and intervention:

- to help as many children as possible get off on the right foot, so they never have that first brush with the law
- to help troubled children and youth get back on track before they become repeat offenders

As the pyramid on p. 38 demonstrates, most children will succeed and thrive with basic programs and support. These range from prenatal and infant screening programs, immunizations, and primary health care, through to a good education, and, of course, a stable, safe, loving home environment. Efforts to support stronger communities by investing in new health promotion programs and the skills of people also contribute to healthy development.

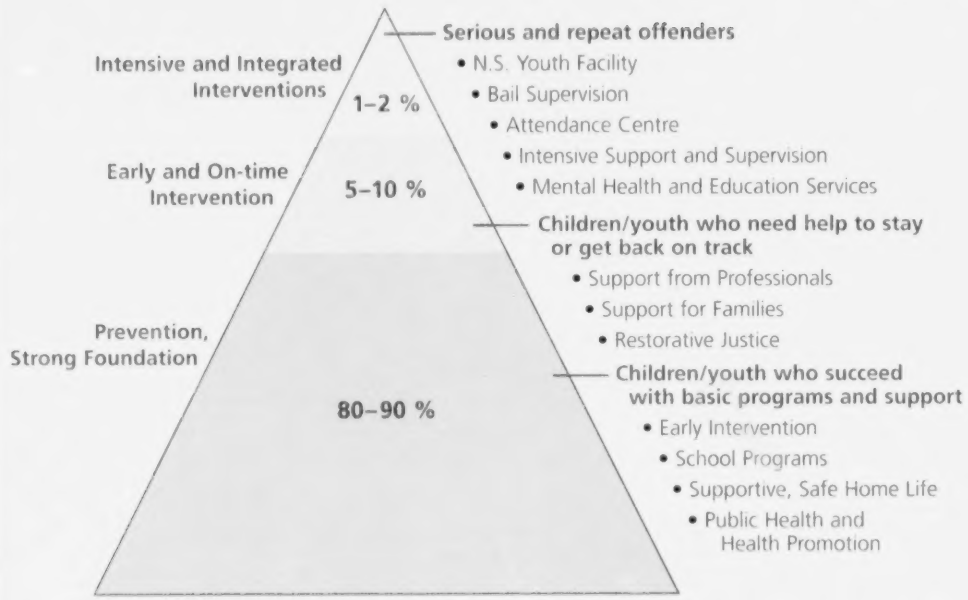
About 5–10 per cent of children and youth will need extra help and intervention to stay, or get back, on track. These interventions could include support from professionals, such as mental health professionals, resource teachers, speech language pathologists, or social workers to support the family. The intervention could also involve programs, ranging from career-related courses in schools to restorative justice in the community.

Finally, the behaviour and actions of about 1–2 per cent of youth put them at high risk of becoming serious offenders. They need more intensive and integrated interventions—ranging from community supervision to custody. These interventions are designed to give youth a time-out to regain control of their behaviour and to protect the public. As well, they need to be put in touch with a range of programs and services—crossing the mandates of numerous government departments and community agencies—to try to help them get their lives back on track.

For example, some of these young people may be diagnosed with a mental illness. They need access to appropriate programs and services, up to and including the most intensive intervention—a hospital admission.

Our goal is to continue to invest in the foundation—to support early childhood development, to provide great health care and a solid education, and to support families. A solid foundation should support a child's success in families, in school, and in life and keep them from advancing to the next level in the pyramid, that is, help prevent more children and youth from requiring intervention—or worse, getting in trouble with the law—later on.

A Strong Foundation Prevents Crime*


Intensive and Integrated Interventions
1–2 %
Early and On-time Intervention
5–10 %
Prevention, Strong Foundation
80–90 %
Serious and repeat offenders
• N.S. Youth Facility
• Bail Supervision
• Attendance Centre
• Intensive Support and Supervision
• Mental Health and Education Services
Children/youth who need help to stay or get back on track
• Support from Professionals
• Support for Families
• Restorative Justice
Children/youth who succeed with basic programs and support
• Early Intervention
• School Programs
• Supportive, Safe Home Life
• Public Health and Health Promotion

It sounds logical and straightforward, but it is actually a very complex task. As just one example, children, youth, and families have unique needs and often require services and support from multiple government departments. While professionals in government departments regularly communicate and collaborate, department mandates or individual budgets can limit the effectiveness of that collaboration in some instances.

The complexity of the task is no excuse to shy away from it. Rather, the complexity makes the need for action more compelling. Commissioner Nunn's recommendations focus on three areas that can help government build on current progress in this area:

- a provincial strategy for children and youth, developed by an interdepartmental steering group
- clear accountability at the senior level
- more support within our schools

*Adapted from the "Continuum of School-Wide Instructional and Positive Behavior Support," National Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS). http://www.pbis.org

The Foundation

Many great programs and services exist now (see Appendix B), and many dedicated, experienced people are delivering them. Further, many great partnerships exist at the community and provincial level that did not exist when today's teenagers were children.

As well, government has consulted thousands of Nova Scotians in developing plans and programs that are now being put into action. Mental Health Standards, Learning for Life, the Early Childhood Development Initiative, and Healthy People, Healthy Communities are just a few examples.

Finally, there is a real commitment within government to build on the collaboration that exists now in a strategic, meaningful way that meets the needs of children, youth, and families.

Commissioner Nunn's recommendations will be used to help tie the plans, programs, and efforts of our professionals together. This process will also help identify gaps in programs and services, so those gaps can be filled.

Developing a Strategy for Children and Youth

Provincial Youth Strategy

Summarized Recommendation 26

Immediately develop an interdepartmental strategy to co-ordinate programs and services for youth.

✓ Agreed

Comments

Work will begin in January, to report by June. Minister's Task Force on Safer Streets and Communities will help inform the youth strategy.

Summarized Recommendation 27

Appoint senior officials to interdepartmental steering group to develop, implement strategy.

✓ Agreed

• Done

Comments

Committee appointed.

Summarized Recommendation 30

Build on Youth Crime report, in particular, the gap analysis.

✓ Agreed

Comments

Work getting underway now, to support development of the provincial youth strategy.

Work will begin immediately on a provincial, multi-year strategy that focuses on the needs of children and youth, not on the individual mandates of departments.

Areas of focus will include

- strengthening early intervention programs
- integrating programs at the community level—for example, bringing related professionals and programs together, in settings that are familiar, welcoming, and accessible to children, families, and youth
- increasing access to services by shortening wait lists and helping people "navigate" the system so they find the help that is out there and meets their needs
- helping families meet their responsibilities to their children

An analysis is also required to identify age-related, regional, and other gaps in service and then to take action to close those gaps. *Perspectives on Youth Crime*, a report prepared by Justice in April 2006, can serve as a starting point for this analysis. The work will contribute to the development of the provincial youth strategy.

As well, the Minister's Task Force on Safer Streets and Communities is expected to make recommendations relating to youth and youth crime. The task force consultations will provide the public with the opportunity to express their views and help inform the youth strategy's focus on crime prevention.

"I was impressed with the quality of the professional people from the various government departments. I am confident in their ability to achieve the desired goals."

—Commissioner Merlin Nunn

The Departments of Health, Education, Community Services, Justice, and Health Promotion and Protection have appointed representatives to the steering group to develop this strategy.

These professionals are at a senior level but are hands-on, in regular contact with the professionals who deliver services throughout the province. As well, many of these professionals testified during the inquiry and impressed Commissioner Nunn with their experience and dedication to children.

Improving Accountability

Accountability at the Senior Level

Summarized Recommendation 28

Appoint senior official to oversee and be accountable for developing the strategy.

✓ **Agreed**

Comments

Position will report through the Deputy Minister to the Minister of Community Services, also the Minister responsible for Children and Youth, providing a clear line of accountability. The Deputy will chair an interdepartmental committee of deputies and senior officials to support co-ordination.

Better integration and navigation of the system and programs begin with a provincial strategy. Given its significance, it is critical that a single minister, supported by a senior official, be accountable for its development.

The senior official will begin early in the year.

Summarized Recommendation 29

Establish a new Community Services Division to provide a range of services that support the "integrity of the family."

✓ **Agreed**

Comments

New Family and Youth Services Division will be established.

A new Family and Youth Services Division will be established within the Department of Community Services. This division will incorporate the existing community outreach branch and will focus on promoting the integrity of the family. It will enhance work in the areas of early intervention, family counselling, and youth at risk. To support these recommendations and the development of the youth strategy, $1 million, including $500,000 of reallocated funds, will be invested.

New staff will be responsible for identifying additional resources. In particular, the need for additional staff in family counselling, social work, and case management will be determined.

Improving Support within Our Schools

More Support within Our Schools

Summarized Recommendation 31

✓ Agreed

• Underway

Additional training for teachers, administrators on helping students with attention deficit and other disorders; funding for assessment and early intervention.

Comments

Resources will be provided to help teachers and administrators support students. New grade primary assessment program to begin in 2007–2008. Additional funding to be considered as part of the children and youth strategy.

While these recommendations focus primarily on the school system, government's current activities in early intervention begin well before a child starts school—before, during, and after birth. For example,

- **A Reproductive Mental Health Program** helps moms deal with anxiety, depression, or other conditions that can create relationship problems between her and her baby.
- **Healthy Beginnings and Enhanced Home Visiting** helps identify families who need extra support. Additional services and home visits are available up until age three.
- **Sound Start** screens the hearing of all newborns.
- **Read to Me** encourages parents to read to their babies, strengthening the parent/child relationship that supports healthy development and introduces children to reading early in life.
- **An Early Intensive Behavioural Intervention Program** was put in place in 2004 to help young autistic children not yet in school learn how to relate to each other and to function more effectively in family and community life.
- **The Family Help Program** through the IWK is helping families deal with their children's mild to moderate mental health issues, including attention deficit hyperactivity disorder and behavioural problems. This program is helping to shorten the wait list for more serious mental health issues, by helping families without their having to see a mental health specialist.

Children and youth spend most of their time in school. This makes the school setting a critical place to offer early identification and intervention services, as well as support for teens who did not benefit from the same level of programming in preschool or the early grades.

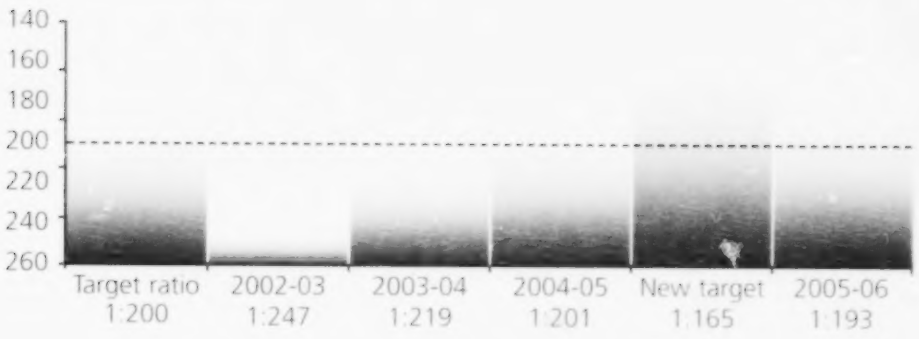
In 2007–2008, the literacy, numeracy, and social skills of children entering grade primary will be assessed. While attention deficit disorder is a medical condition that must be diagnosed by a health professional, this assessment could be used as an early indicator of a need for intervention or further assessments.

New early identification assessment for all grade primary students.

Within the education system, government has invested $6.8 million since 2003 to increase the number of professionals that can help these and other children in our schools. Target numbers were set for resource teachers, school psychologists, and speech language pathologists, as recommended by the Special Education Implementation Review Committee.

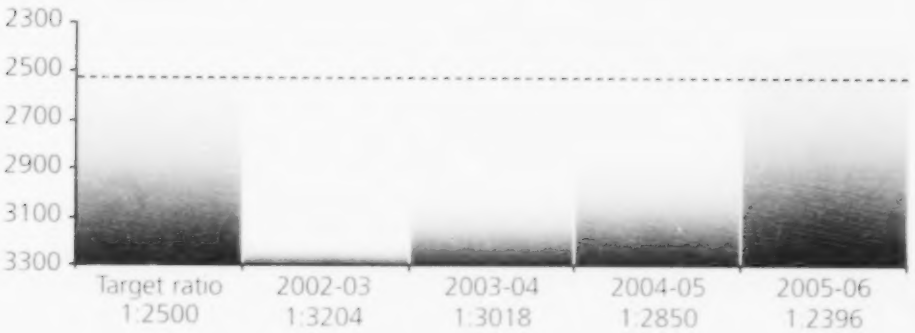
The target for resource teachers was one resource teacher for every 200 students. As shown on the bar graph below, this target was reached in 2004–2005. A new target of one resource teacher for every 165 students has been set, and progress is being made toward this goal.

Resource Teachers



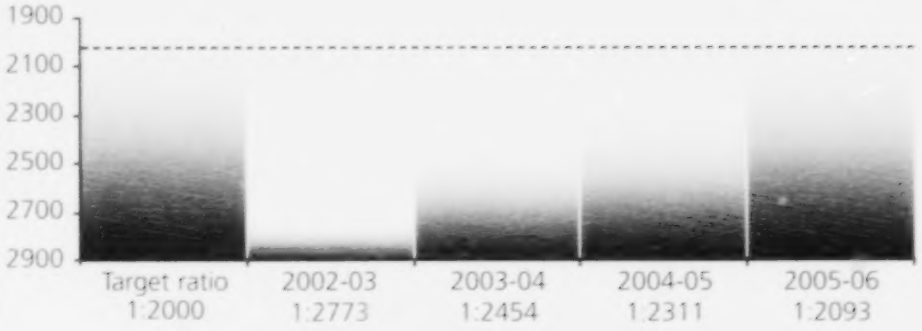
The target for school psychologists was set at one psychologist for every 2500 students in the school system. As shown below, that target was exceeded in 2005–2006.

School Psychologists



Finally, the target for speech language pathologists was set at 1 for every 2000 students. As shown below, we are very close to reaching that target.

Speech Language Pathologists



Early intervention, professional development for teachers, student support, and access to health professionals will be considered as part of the comprehensive, provincial strategy for children and youth.

Access to mental health professionals to diagnose disorders is more challenging. As government continues its investment in mental health—with $5 million invested in the last five years for services for people of all ages—wait lists will be reduced, and access will increase.

More "School Attachment" Programs

Summarized Recommendation 32

✓ Agreed

• Underway

More "school attachment" programs and supports.

Comments

Positive Effective Behaviour Supports Program to be expanded to all schools by 2008. Youth Pathways and Transitions expanding. More funding for guidance counsellors is being provided. Additional programs and supports will be considered as part of the strategy for children and youth.

Children and youth are more likely to stay and succeed in school if a range of programs exists to meet their differing needs and interests. Commissioner Nunn mentions two examples, the junior high support teachers within the Halifax Regional School Board and Youth Pathways and Transitions.

The Halifax Regional School Board will be asked to provide information on their junior high support teachers to the Department of Education and all school boards. This will guide decisions on its possible expansion to other school boards.

Youth Pathways and Transitions helps students prepare for the transition from junior high to high school, and from high school to post-secondary education, training, and work. Government continues to expand this program by

- developing new career-related courses, such as tourism and film and video production, and career resources, such as up-to-date labour market profiles and other career opportunities
- extending the Student Life Work Portfolio, which helps students connect their school-year experiences with the world of work, from grade 8 to grade 9
- working with the Nova Scotia Community College on joint program planning that could lead to advance standing for graduates entering the college
- finding more co-op placements and community work experience for students

Preliminary feedback on the new Options and Opportunities (O_2) program—available in 27 schools this year—has also been extremely positive. The $2-million program focuses on career development and matches students with employers to give them real work experience. Students report that this experience helps them understand the importance of strong math and language skills.

Ways to build on these and other school attachment programs will be considered as part of the comprehensive, provincial strategy for children and youth.

School Attendance

Summarized Recommendation 33

Enforce school attendance.

✓ Agreed

• Underway

Comments

Principals' committee to report by March. New O_2 and positive behaviour programs are improving student attendance.

Commissioner Nunn's concern about school attendance is shared by the Department of Education and educators. A committee of principals has identified it as the number one issue challenging student success in high school.

The committee has agreed to make recommendations to the Department of Education before the end of March 2007. Accountability for students for non-attendance will be considered.

At the same time, the most effective way to get students to attend is to offer programs that make school engaging and relevant. Programs like O_2 are giving students a reason to come to school and are keeping them motivated when they get there. Parents and guardians must sign the application, sharing the accountability for the student's attendance and commitment.

The Positive Effective Behaviour Supports Program sets out clear expectations for student behaviour. Students are rewarded for positive behaviour, creating a better school environment. The program, now in 200 schools, will be in all schools by 2008.

School attendance will also be considered as part of the comprehensive, provincial strategy for children and youth.

In-School Suspension

Summarized Recommendation 34

✓ **Agreed**

Provide in-school alternatives to out-of-school suspension.

Comments

Will assess current in-school suspension activities. As part of the development of the youth strategy, ways to link in-school suspension with supports that help students "re-attach" to schools will be examined.

In-school suspensions will be considered as part of the comprehensive, provincial strategy for children and youth.

As was clear in AB's case, out-of-school suspensions do nothing to help a young person get back on track and may increase the likelihood of that individual causing trouble. As well, out-of-school suspensions may actually put students further behind in their studies, widen the gap in their learning, and increase their frustration.

Many schools report they are using in-school suspensions. However, in-school suspensions are of little value if the student is simply sitting in a supervised, empty classroom. The Department of Education is asking school boards to report on how many schools are using in-school suspensions, and what support is provided to students within these rooms. As well, issues such as safety and the educational interests of all students must also be considered.

This work will be completed before the end of the current school year.

As well, in 2007–2008, community partners in restorative justice will begin a project in the Tri-County region. The approach used in restorative justice—which requires the person who caused harm to develop a plan of restitution with the people harmed—will be tested as a way to resolve conflict within schools.

Conclusion

The conclusion to this response will only become fully evident and understood in the weeks and months ahead. Much work remains, and the results of that work will ultimately shape the conclusions others draw about our efforts.

Our response would, however, be lacking without concluding words of acknowledgement and thanks to

- Commissioner Nunn and the people who worked with him for explaining, in compelling, compassionate, and critical terms, what happened, what went wrong, what works, and what can be built upon.
- The people who work in the justice system, in government, and with children, youth, and families—people who deal with complex problems and competing priorities, and must daily make decisions the future consequences of which they cannot know.
- The witnesses who spoke from the heart—with emotion, experience, or some of both—all with a common purpose, to make our communities safer and to help children, youth, and families.
- The McEvoy family for insisting, even in their grief, that learning is the best legacy and that blame teaches nothing.

Our last words are respectfully made in tribute to Theresa McEvoy.

Ms. McEvoy devoted much of her life to children—first and foremost, as a loving mother to her own three sons, then as a volunteer and friend to her sons' classmates, and later as a teacher's assistant helping those who needed special attention.

The lessons learned from her tragic death will now help children and youth for years to come. This is surely part of her legacy, and a way for Theresa's magic to reach those who were denied the pleasure and opportunity to meet her.

"Theresa seemed to have had a magic touch with everyone she met."

— Commissioner Merlin Nunn

Appendix A

Consolidated Recommendations, Government Response

Delay in the Administration of Youth Criminal Justice

Recommendation 1

Front-end delay in the administration of youth criminal justice in Nova Scotia should be immediately reduced by requiring a young person facing a new charge on a serious crime, or a young person facing other pending charges, to appear in Youth Justice Court by the next scheduled Appearance Date, or within one week of arrest.

✓ Agreed

• Underway

Comments

Working group of justice partners formed. Recommendations requested by April 1, 2007.

Recommendation 2

The Province should publicly commit to reduce overall delay and improve the speed at which the youth criminal justice system in Nova Scotia handles young persons' cases from arrest to sentencing or other final disposition. In doing so, within six months of this report, under the leadership of the Minister of Justice, the Province should

✓ Agreed

• Underway

- consult justice partners (police, Crown prosecutors, defence lawyers, judges, court administrators, Restorative Justice officials, community partners, and other key stakeholders) to identify general and particular causes of delay
- take steps to work with these justice partners to amend procedures or change practices to address the causes of delay
- set and publish realistic but challenging targets, measurably faster than the current average, for the speed of the handling of young persons' cases from arrest to final disposition
- report publicly at least twice annually on progress against the targets, including details on whether targets have been met and identification of appropriate action to address any ongoing failure to meet targets.

Comments

Working group of justice partners formed. Recommendations requested by April 1, 2007.

Court Administrative Procedures and Training

Recommendation 3

✓ Agreed

• Underway

The Department of Justice, in consultation with local police services and the RCMP, should ensure that police officers are familiar with and trained in the procedural requirements of the administration of the courts and, in particular, with the purpose and procedures of the Justice of the Peace Centre.

Comments

The Department of Justice, in consultation with the Associate Chief Judge and the justices of the peace stakeholder group, will develop a provincial training plan for police and other justice partners.

Recommendation 4

✓ Agreed

• Underway

The Justice of the Peace Centre should continue to refine its administrative procedures and forms to ensure that all parties to a JP Centre hearing are familiar with its purpose, process, and outcome and that results are communicated promptly and clearly to the courts, police, or others affected by the hearing outcomes.

Comments

Existing stakeholder group will build on progress, based on Commissioner Nunn's work.

Recommendation 5

✓ Agreed

• Underway

The Department of Justice should establish an audit section to provide training to and monitor compliance by court staff with procedures, court manuals, and use of electronic systems.

Comments

New audit division being created. Upgrades to JEIN system to be modified to assist in monitoring compliance.

Court Facilities, Communication, and Technology

Recommendation 6

✓ Agreed

• Done

Court staff working in the Windsor Courthouse, as well as all satellite or adjunct court facilities in the province, must be provided with adequate and working telephone, facsimile, printing, computer equipment, and e-mail communication, along with the necessary equipment for stable and dependable access to JEIN.

Comments

New $1.9-million JEIN system connected all courts in 2005. New procedures outlined in *Provincial Court Manual*, and staff training has occured.

Recommendation 7

The Department of Justice, in consultation with all of its key justice stakeholders, should consider enhancements to the JEIN system, including the possible development of electronic versions of Informations or other court documents, with the goal of increasing the effectiveness and efficiency of communication among justice partners and reducing the reliance on multiple forms of communication for delivery of crucial information.

✓ Agreed

• Underway

Comments

Technological capability exists. Issues such as legality of e-documents and protection of privacy must be resolved.

Recommendation 8

When new courthouses are planned and built in the province, separate facilities should be provided for Youth Justice Court matters, completely apart from the adult facilities and with dedicated space for partner agencies where possible.

✓ Agreed

• Will do

Comments

To be considered in planning for new Halifax court, and by the Court House Standards Committee.

Dedicated Youth Court Police Liaison Officers and Crown Attorneys

Recommendation 9

The Department of Justice, in consultation with police agencies, should encourage the appointment of youth court liaison police officers in other judicial regions in the province.

✓ Agreed

• Will do

Comments

Department will consult with police, develop recommendations.

Recommendation 10

The Public Prosecution Service should consider appointing an additional dedicated youth court Crown attorney in the Halifax Youth Court, and consider the appointment of specialized Youth Court Crown attorneys elsewhere in the province where numbers warrant.

✓ Agreed

• Will do

Comments

$300,000 approved for two youth Crowns. Public Prosecution Service will continue to review case numbers in other regions.

Attendance Centre and Bail Supervision

Recommendation 11

✓ Agreed

• Underway

The Province should advocate that the federal government amend section 42(2)(m) of the federal Youth Criminal Justice Act to remove the time limits on the sentencing option for a court to require a young person to attend a non-residential community program like the proposed Halifax Attendance Centre.

Comments

Consistent with our position conveyed to the federal government.

Recommendation 12

✓ Agreed

• Done

The Province should immediately establish a fully funded, adequately resourced, and fully programmed attendance centre in Halifax, following a plan that includes all of the programs and features contemplated by the Correctional Services Division's *Attendance Centre Program Model—Halifax* report, presented as evidence at the inquiry.

Comments

Opens in February 2007. Evaluation will be conducted to assess benefits of expanding to other regions.

Recommendation 13

✓ Agreed

• Done

The Province should establish a fully funded bail supervision program for young persons in the Halifax Regional Municipality in conjunction with and integrated into the establishment of the Halifax Attendance Centre.

Comments

Opens in February 2007, located at the Halifax attendance centre.

Recommendation 14

✓ Agreed

The Province should make every effort to implement a program of bail supervision for young persons in the province outside the Halifax Regional Municipality, to include a focus on both compliance with bail conditions and identification of proactive supports and services for the young persons in the program.

Comments

We will examine how to implement bail supervision outside of Halifax. It will be linked to programs that help get youth back on track.

Common Approaches to Criminal Proceedings for Young Persons

Recommendation 15

The Public Prosecution Service should direct its Crown prosecutors across the province to take a common general approach to pre-trial detention for young persons under the Youth Criminal Justice Act and the Criminal Code, by ensuring that its Crown prosecutors are familiar with and up-to-date in training in the relevant statutory provisions and recent developments in the law. The directive should recognize the flexibility required and the discretion of individual Crown prosecutors, along with the desirability of a common approach.

✓ Agreed

• Underway

Comments

Policy has been communicated; training to be provided.

Recommendation 16

The Public Prosecution Service should direct its Crown prosecutors across the province that, during a judicial interim release hearing for a young person for which a responsible person is proposed in lieu of pre-trial detention, they are to request that the judge hear evidence about whether the proposed person is willing and able to take care of and exercise control over the young person, in keeping with the requirements of section 31(1) of the Youth Criminal Justice Act.

✓ Agreed

• Done

Comments

Policy has been communicated to Crown attorneys.

Recommendation 17

The Public Prosecution Service should continue its practice to request that a presiding judge make a "finding of guilt" as required under section 36 of the Youth Criminal Justice Act at the time a young person pleads guilty to a charge, not at the time of sentencing.

✓ Agreed

• Done

Comments

Policy has been communicated to Crown attorneys.

Recommendation 18

Court administration, the Public Prosecution Service, and the judiciary should discuss the question of the timing of section 36 "findings of guilt" to resolve any concerns about scheduling or other matters that would prevent making a finding of guilt at the time of a guilty plea.

✓ Agreed

Comments

Justice partners to consult on this issue.

Recommendation 19

The Department of Justice and all of its justice partners, including police, sheriffs, court administrative staff, and the Public Prosecution Service, and others as necessary, should meet to determine a common protocol on the execution and administration of arrest warrants.

✓ Agreed

Comments

Justice partners to consult on this issue.

Advocacy for Changes to the Federal Youth Criminal Justice Act

Recommendation 20

✓ Agreed

• Underway

The Province should advocate that the federal government amend the "Declaration of Principle" in section 3 of the Youth Criminal Justice Act to add a clause indicating that protection of the public is one of the primary goals of the act.

Comments

Consistent with our position. Nova Scotia justice minister hand-delivered report to federal justice minister.

Recommendation 21

✓ Agreed

• Underway

The Province should advocate that the federal government amend the definition of "violent offence" in section 39(1)(a) of the Youth Criminal Justice Act to include conduct that endangers or is likely to endanger the life or safety of another person.

Comments

Consistent with our position. Nova Scotia justice minister hand-delivered report to federal justice minister.

Recommendation 22

✓ Agreed

• Underway

The Province should advocate that the federal government amend section 39(1)(c) of the Youth Criminal Justice Act so that the requirement for a demonstrated "pattern of findings of guilt" is changed to "a pattern of offences," or similar wording, with the goal that both a young person's prior findings of guilt and pending charges are to be considered when determining the appropriateness of pre-trial detention.

Comments

Consistent with our position. Nova Scotia justice minister hand-delivered report to federal justice minister.

Recommendation 23

✓ Agreed

• Underway

The Province should advocate that the federal government amend and simplify the statutory provisions relating to the pre-trial detention of young persons so that section 29 will stand on its own without interaction with other statutes or other provisions of the Youth Criminal Justice Act.

Comments

Consistent with our position. Nova Scotia justice minister hand-delivered report to federal justice minister.

Recommendation 24

The Province should advocate that the federal government amend section 31(5)(a) of the Youth Criminal Justice Act so that if the designated "responsible person" is relieved of his or her obligations under a "responsible person undertaking" the young person's undertaking made under section 31(3)(b) nevertheless remains in full force and effect, particularly any requirement to keep the peace and be of good behaviour and other conditions imposed by a youth court judge.

✓ Agreed

• Underway

Comments

Consistent with our position. Nova Scotia justice minister hand-delivered report to federal justice minister.

Recommendation 25

The Province should advocate that the federal government amend section 31(6) of the Youth Criminal Justice Act to remove the requirement of a new bail hearing for the young person before being placed in pre-trial custody if the designated "responsible person" is relieved of his or her obligations under a "responsible person undertaking."

✓ Agreed

• Underway

Comments

Consistent with our position. Nova Scotia justice minister hand-delivered report to federal justice minister.

Development and implementation of Strategy for Children and Youth at Risk

Recommendation 26

The Province should immediately begin the development and implementation of a public, comprehensive, collaborative, and effective interdepartmental strategy to coordinate its programs, interventions, services, and supports to children and youth at risk and their families, with a particular focus on the prevention of youth crime and a reduction in the likelihood of re-offending of young persons already in conflict with the law.

✓ Agreed

• Will do

Comments

Work will begin in January, to report by June. Minister's Task Force on Safer Streets and Communities will help inform the youth strategy.

Recommendation 27

The Departments of Community Services, Justice, Health and its Mental Health division, Health Promotion and Protection, and Education, and other government departments or agencies as required, should each immediately appoint an accountable senior official to a steering group to develop and implement the Province's strategy for youth and children at risk.

✓ Agreed

• Done

Comments

Committee appointed.

Recommendation 28

✓ **Agreed**

The Province should appoint one senior official, preferably at the Deputy Minister level, as a "Director of Youth Strategy and Services," who would oversee and be accountable for the development and implementation of the Province's strategy for children and youth at risk. The director would manage the steering group of senior officials and should have the support required to ensure co-operation and collaboration by officials and staff from all government departments and agencies involved in providing services, programs, and interventions for children and youth at risk. In accordance with the strategy, the director would recommend and coordinate any re-allocation of resources to services, programs, and interventions identified as priority areas. The director should also regularly communicate to the public progress in the development and implementation of the strategy.

Comments

Position will report through the Deputy Minister to the Minister of Community Services, also the Minister responsible for Children and Youth, providing a clear line of accountability. The Deputy will chair an interdepartmental committee of deputies and senior officials to support co-ordination.

Recommendation 29

✓ **Agreed**

In collaboration with the Director of Youth Strategy and Services, and as part of the Province's strategy for children and youth at risk, the Department of Community Services should consider establishing a separate division that will provide a range of services to families directed toward the promotion of the "integrity of the family" similar to those set out in section 13 of the Children and Family Services Act.

Comments

New Family and Youth Services Division will be established.

Recommendation 30

✓ **Agreed**

The Department of Justice should build on the results of its report, *Perspectives on Youth Crime in Nova Scotia* and continue its analysis of youth crime by comparing the Province's existing interventions, programs, and services for children and youth at risk with the interventions, programs, and services that are known to be effective in preventing youth crime. The department should publicly report the findings of this "gap analysis" as a key part of the development of the Province's strategy for children and youth at risk.

Comments

Work getting underway now to support development of the provincial youth strategy.

Education Initiatives

Recommendation 31

The Department of Education should ensure that there is additional training for teachers and administrators on best practices in assisting students with attention deficit and other disorders, along with adequate funding for assessment and early intervention of students with these disorders in Nova Scotia schools.

✓ Agreed

• Underway

Comments

Resources will be provided to help teachers and administrators support students. New grade primary assessment program to begin in 2007–2008. Additional funding to be considered as part of children and youth strategy.

Recommendation 32

The Department of Education should consider additional funding of initiatives to develop and sustain programs and supports that encourage "school attachment" for students at risk, either within the regular schools or in dedicated, alternative programs. Without limiting this recommendation, as particular examples I recommend that:

- the department should consider the introduction of and targeted funding for junior high support teachers throughout the province; and
- the department and Halifax Regional School Board should continue and expand their respective "Youth Pathways and Transitions" programs.

✓ Agreed

• Underway

Comments

Positive Effective Behaviour Supports Program to be extended to all schools by 2008. Youth Pathways and Transitions expanding. More funding for guidance counsellors is being provided. Additional programs and supports to be considered as part of children and youth strategy.

Recommendation 33

The Department of Education, in consultation with the school boards, should identify effective measures aimed at enforcing the school attendance provisions of the Education Act and reducing the levels of truancy in Nova Scotia schools.

✓ Agreed

• Underway

Comments

Principals' committee to report by March. New O_2 and positive behaviour programs are improving student attendance.

Recommendation 34

The Department of Education, in conjunction with the Province's strategy for children and youth at risk, should provide Nova Scotia schools with adequate space, staff, and programs for in-school alternatives to out-of-school suspension as a disciplinary measure.

✓ Agreed

Comments

Will assess current in-school suspension activities. As part of the development of youth strategy, ways to link in-school suspension with supports that help students "re-attach" to schools will be examined.

Appendix B

Existing Programs and Services for Children, Youth, and Families, by Department

Department of Justice

Correctional Services 424-7640

Correctional Safe and Secure Custody
provides safe and secure custody for incarcerated youth in the Nova Scotia Youth Facility

Correctional Reintegration/Rehabilitation Planning and Case Management
provides case planning for incarcerated youth to reintegrate the youth back into society

Centre 24/7
provides an alternative, experiential-based alternative school curriculum to incarcerated and high-risk community youth

Correctional Investigative Reporting
provides investigative reports on the status of the youth

Correction Facility Substance Abuse Care
provides substance abuse treatment for incarcerated youth

Correctional Facility Leisure Activity Provision
engages incarcerated youth in leisure activities, such as canoeing, swimming, fitness, adventure, sports, summer camps

Correctional Facility Spiritual Support
provides spiritual support for incarcerated youth

Correctional Facility Education
provides public school education programs for incarcerated youth

Correctional Facility Life /Social Skills Development
provides life and social skill development lessons for incarcerated youth

Correctional Facility Employment Placement
provides employment placements/jobs for incarcerated youth

Community Supervision and Support
provides community oversight, support, and monitoring for supervised youth, including intensive supervision and support for post-custody and deferred custody orders

Correctional Enforcement
enforces conditions placed on released youth

Options to Anger
provides entry-level anger management program to clients of correctional services

CALM Program
provides mid-level anger management program to clients of correctional services

Restorative Justice 424-3303
provides extrajudicial measures and restorative conferencing in Nova Scotia under the Youth Criminal Justice Act for referred young persons between the ages of 12 and 17, delivered by a network of approved community-based agencies

Victim Services 424-8785
provides provincewide services to reduce the harmful impact of crime on victims. Services include a specialized court preparation and support program for child victims who are called to testify in criminal proceedings

VOICES 424-7640
provides a program for girls in custody and community supervision delivered through Coverdale

Department of Community Services 1-877-424-1177 (toll free in Nova Scotia)

Child Welfare Services

Child Protection Services
ensures that children are safe from maltreatment (If you are concerned about a child's welfare after regular business hours—4:30 pm to 8:30 am Monday to Friday, on weekends, or on holidays—the emergency duty child welfare number is 1-866-922-2434.)

Child-In-Care Program
ensures that children are raised in nurturing families placement settings that meet their needs

Foster Care Services
ensures availability of competent, capable, nurturing foster parents

Residential Services
ensures children and youth receive safe nurturing guidance from competent and qualified youth care program staff in residential child-caring facilities

Community Outreach Services

Family Resource Centres
delivers services through 36 centres to families with children under six years of age who are considered at risk of poor outcomes; services include parent education, informal support, information, and referral

Family Violence Initiative
responds to victims and perpetrators of family violence; funds transition houses that provide emergency shelter and supports for women victims and their children; funds men's intervention programs that provide counselling for male perpetrators and safety planning for women partners

Enhanced Programs and Community Outreach
promotes language and cognition skills of children under six years of age through Early Language and Learning program; provides parent education grants to increase the quantity and comprehensiveness of program in the areas of parent education and support; provides parent-child interaction programs; provides child care information and training to caregivers outside of regulated day care in matters of early childhood development and education

Prevention Initiatives
prevents child abuse and maltreatment; promotes healthy child and family development; offers early childhood development programs and services; provides resource materials to family resource centres; provides expert consultation and support for regional planning groups; provides and coordinates training and networking opportunities for regional/family resource centre staff; funds YMCA summer camps; funds the Boys and Girls Club to support the delivery of programs; and funds family counselling agencies.

Training Unit
plans, develops, and delivers training to staff and related stakeholders

Early Childhood Development Services

Child Care Licensing and Standards
regulates and monitors child-care services to ensure compliance with the Nova Scotia Day Care Act and Regulations

Supported Child Care
supports the inclusion of children with special needs in licensed child-care facilities through funding

Child Care Subsidy
subsidizes licensed child care for low-income families

Early Intervention
provides home-based support and information for families with children (0–6) with developmental disabilities to positively influence the children's developmental outcomes

Grant Funding
provides grants to child-care centres and related facilities/associations to support costs related to quality early childhood programs

Early Childhood Education Training
ensures a standard of early childhood education training in the province

Services for Persons with Disabilities

Direct Family Support
funds the purchase of respite services for families caring for a family member with a disability at home

Small Option Facilities for Children
provides full-time licensed care to children with disabilities in groups of up to four children cared for by trained staff

Department of Health (902) 424-5818 or 1-800-387-6665 (toll free in Nova Scotia)

Early Years Initiatives

Prenatal Care, Reproductive Care Program
provides pre-, peri-, and post-natal care to mothers and babies through DHAs, primary care physicians, and specialists (obs/gyn), including screening for bio-psycho issues (0–12 months)

"Read to Me" Program
provides early literacy activities to families at all facilities doing deliveries (led by IWK), which facilitate parental/baby attachment by encouraging physical and verbal contact between parents and baby/child (0–3 years)

Infant Hearing Screening—"Sound Start"
screens hearing of all newborns at birth in all delivery hospitals (administered by Nova Scotia Hearing and Speech Centres) to identify potential sensory deficits and offer intervention programs in infancy, thus mitigating risk factors of normal growth and development during early months when brain development is rapid

Pediatricians and Other Child Health Care Professionals
provide a wide range of early identification and treatment programs to children with issues including developmental delays, behavioural problems, learning difficulties, and parenting problems through pediatricians and clinical care teams located throughout the province, hospital care, and community-based services

Autism Treatment—Early Intensive Behavioural Intervention (EIBI) Program
provides time-limited, intensive treatment for children diagnosed with autistic spectrum disorder who are not yet in school to optimize lifelong functioning and enhance success at school, offered in DHAs 1 to 8 and at the IWK

Mental Health, Forensic Services, and Addiction Services

Maternal/Child Mental Health
provides mental health services for mothers from conception until baby's first year of age, focusing on early identification of and early intervention for maternal depression/anxiety and other mental health issues and early identification of challenges to maternal and newborn attachment and relationship problems (program links to both mental health continuum and maternity programs)

Mental Health Assessment and Treatment
provides outpatient, day treatment, inpatient, and residential mental health services to children and youth with an identified mental health problem delivered through nine DHAs, the IWK Health Centre, and over 50 community mental health clinics throughout the province

Youth Navigator
provides advocacy and patient rights information to youth involved with the formal mental health system at the IWK

Family Help Program
provides home-based mentoring and coaching services in selected communities (IWK and Cumberland DHA) to address mild to moderate mental health concerns, including concerns with parenting, behaviour management, and anxiety reduction.

Intensive Community-Based Treatment Team
provides community-based services (IWK and Cape Breton DHA) to hard-to-serve children and youth with a focus on keeping children in their homes (as appropriate) and at school

Crisis Intervention Services
provides assessment, stabilization, and treatment (inpatient, outpatient, etc.) as appropriate in all DHAs and at the IWK

Tele-psychiatry and Traveling Psychiatry Clinics
provides psychiatric services to rural areas in Nova Scotia and P.E.I. where on-site psychiatrists are not available or when a second opinion has been requested

Collaborative Initiatives
encourages intergovernmental/interagency collaboration to address the needs of children and youth experiencing mental health issues—includes Departments of Community Services, Justice, and Education

Depression Strategy for Children and Youth
provides information for early identification of depression in children/youth and information about coping strategies—over 10,000 brochures requested and distributed (French and English)

Mental Health Specialty Services
provides specialty mental health services through networks that include the DHAs and the IWK/Capital Health, including eating disorders, forensic mental health services, early psychosis, sex offender treatment, neurodevelopmental disorders, autism services, and dual disorders-mental health and addictions (Concurrent Disorders)

Youth Forensic Mental Health Services
provides mental health services to youth found either not criminally responsible (NCR) or "unfit." Provides inpatient services at IWK and dual remand services with IWK. IWK also provides services to youth sentenced under IRCS.

Court-Ordered Assessment and Treatment Services
provides mental health assessment and treatment services for youth appearing before the courts.

Treatment for Sexual Aggression
provides mental health services to youth with an identified problem with sexual aggression but who are not necessarily in conflict with the law

Clinical Services at Waterville Youth Centre
provides multi-disciplinary treatment of youth—consisting of psychiatry, psychology, and social work—on site in Waterville, managed under the IWK Mental Health Program.

Addiction Services
provides addiction assessment and treatment services to youth throughout the province through school, community, and clinic-based programs in the nine district health authorities

The Choices program
provides assessment and treatment services to youth for alcohol, substance, or gambling abuse, including a residential treatment component available to youth from outside the metro area

Department of Education (902) 424-5168

Public School Programs
provides instructional programs for children and youth aged 5 to 21 at the primary to grade 12 level, as well as curriculum adaptations and individualized programming for children and youth with special learning needs

Positive Effective Behaviour Supports (PEBS)/ Code of Conduct
approaches school discipline by identifying clear behavioural expectations, communicating these clearly, reinforcing them throughout the school year, and collecting data to evaluate the effectiveness of interventions and to guide future planning (being implemented throughout the province)

Comprehensive Guidance
offers educational, career, personal, and school counselling to public school students

Resource Teacher Support
offers individual or small-group assistance to those experiencing learning difficulties or disabilities

School Psychology Services
offers psycho-educational assessment and recommendations regarding learning and behavioural difficulties

Reading Recovery
targets grade 1 students whose reading achievement levels are in the lowest 20 per cent, providing one-on-one intervention by specialized teachers

Options and Opportunities (O_2) program
offers an alternative opportunity for high school students who may not be meeting their academic potential because they are not engaged with their school program, focusing on career development and matching students with qualified employers to give them opportunities to gain real experience in a real workplace

APSEA Funding
offers funds to educate students with special needs, such as the blind or visually impaired and/or the deaf or hard of hearing

Adult Basic Education Advisory
offers young adults advice and information about adult learning opportunities

Adult High Schools
offers instructional programs for adults wishing to complete their high school certification

Correspondence Studies
offers instructional programs via mail for people wishing to upgrade their academic certification

General Educational Development
provides an opportunity for adults to write a series of tests that lead to the General Educational Development (GED) high school equivalency certificate

Student Assistance Counselling and Processing
provides needs-based funding to students applying for post-secondary education

Student Assistance Appeals
gives applicants for post-secondary funding an opportunity to have funding decisions reviewed and exceptional circumstances considered

Department of Health Promotion and Protection (NSHPP)

Healthy Eating Nova Scotia Strategy **424-3749**
focuses on four priority areas: breastfeeding, children and youth, fruit and vegetable consumption, and food security (released 2005)

School Food and Nutrition Policy **424-3749**
outlines standards for foods and beverages that can be served and sold in public schools, grades primary through 12; promotes nutrition education in the curriculum; encourages community partnerships; provides a supportive environment for healthy food and beverage choices (The policy will be phased in with full implementation by June 2009.)

Provincial Breakfast Program **424-3749**
provides funding to school boards to expand and enhance breakfast programs for elementary-aged children, to ensure that children begin their day nourished and ready to learn

Food Security **424-3749**
supports food security for all Nova Scotians, including children and youth, by examining the cost of healthy foods in the province and understanding the effect of policy and program decisions on food security (Food Security is the ability to have access to safe, nutritious, personally acceptable, and culturally appropriate foods that are produced and distributed in ways that are environmentally sound and socially just.)

Health Promoting Schools (HPS) **424-7595**
provides funding to partnerships of school boards and district health authorities to implement those priorities related to healthy eating and physical activities that were identified at the local level

Prenatal Education and Support **424-4391**
provides one-on-one education and support during pregnancy to women identified as at risk, with a focus on healthy pregnancy, parenting, and linkage to community programs and services.

Healthy Beginnings: Enhanced Home Visiting **424-4391**
promotes healthy child development, builds parenting skills and capacity, enhances parent-child interaction, and connects the family to community resources by identifying families facing challenges early on and providing intense, focused home visiting for the first three years of their child's life (implemented by Public Health Services throughout Nova Scotia)

Breastfeeding Policy **424-4391**
promotes, supports, and protects breastfeeding across Nova Scotia as the normal and optimal way to feed infants because breastfeeding reduces many acute and chronic diseases in children and adults and creates a strong attachment between mother and baby

Enhanced Vision Screening **424-5869**
offers vision screening to all preschool children before they enter grade primary and to children in grade primary who have missed the preschool screening, to ensure that all children achieve the highest level of vision possible, through early identification of potentially correctable conditions

Fluoride Mouthrinse Program **424-5869**
provides early intervention with children and their caregivers around how to prevent dental decay and promote good oral hygiene at an early age (offered in schools that have a larger percentage of children at high risk of developing dental cavities)

Youth Health Centres **424-5869**
provides health education, health promotion, information, referral, follow-up, support, and some clinical services to youth at about 37 youth health centres (YHCs) across Nova Scotia, mostly located in schools (Youth identify the services and supports most needed by youth in their community, thus each centre's services may look different.)

Youth Centred Guidelines **424-5869**
consults youth, through a sub-committee of the Youth Health Centre Provincial Advisory Committee, to develop guidelines that will outline how youth health centres can truly be youth centred (target completion date: spring 2007)

Framework for Action: Youth Sexual Health in Nova Scotia **424-6046**
provides a rationale and strategic direction for a comprehensive approach to sexual health education, services, and supports for youth throughout Nova Scotia

Sex? A Healthy Sexuality Resource **424-2346**
provides sexuality information for youth that is based on evidence, factual, up-to-date, non-judgmental, clear, straightforward, easy to read, colourful, and appealing to youth

Childhood Immunization Schedule **424-1748**
immunizes children as part of their regularly scheduled school immunization program

Active Kids, Healthy Kids Strategy **424-7629**
increases the number of children and youth who have at least 60 minutes of moderate to high intensity physical activity on a daily basis through new policies and programs, active communities, and public education

Healthy Living Incentive **424-7554**
offers parents a non-refundable tax credit on registration fees of up to $150 per child on everything from swimming lessons to dance classes to increase youth enrollment in physical activity, sport, and recreation

KidSport **424-4408**
helps children overcome financial barriers that prevent or limit their participation in organized sport (administered by Sport Nova Scotia)

Sport Opportunities for Children and Youth in Nova Scotia **424-4408**
offers structured and unstructured sporting activities, through school and community-based programs, aimed at decreasing current levels of physical inactivity in children

Sport Futures Leadership Program **424-4408**
assists provincial sport organizations to provide fun, safe, and inclusive sport activities for children and youth, to decrease current levels of physical inactivity

Physical Activity: Children and Youth 2 Accelerometer Study **424-7629**
studies activity levels by having a representative sample of Nova Scotian children and youth in grades 3, 7, and 11 wear a motion counter on their hip for seven days to assess current activity levels

Renewal of Tobacco Control Strategy **424-5962**
reduces smoking rates and the burden of tobacco-related illness, through taxation, legislation, treatment/cessation programs, community-based programming, youth smoking prevention initiatives, media awareness, and evaluation

HIV-Aids Prevention **424-5730**
provides harm-reduction strategies, education, information, and prevention services to those at risk of exposure or exposed to HIV-Aids

Tobacco-Free Youth Sport and Recreation: How to Get There. . 424-5962
explains why and how to create, promote, and reinforce tobacco-free policies for use within youth sport and recreation and acts as a resource to be used by sport and recreation organizations who would like to develop, communicate, and reinforce tobacco-free policy for their athletes/participants, coaches/leaders, and spectators

Tobacco Reduction Social Marketing Campaign 424-5962
targets youth and young adults with tobacco reduction messages through an interactive website, print and television ads, ambient advertising, and a documentary film (fourth year of program)

Tobacco Media Literacy Resource School Based Programs. 424-5962
provides, in partnership with Education, You Choose, a tobacco media literacy resource for high schools and continues promotion of Smoke-free For Life, a tobacco prevention curriculum supplement for grades p-9 and No More Butts, a peer-led cessation program for high schools, through Public Health Services and Addiction Services in the district health authorities

Tobacco Access Act Enforcement 424-5962
enforces the Tobacco Access Act issuing warnings for selling tobacco to persons under the age of 19 years

Injury Prevention in Schools 424-5362
builds injury prevention links with schools by focusing on how best to support the existing student curriculum. Examples include partnerships with the Departments of Health (EHS Trauma Program), Transportation and Public Works (Road Safety Advisory Committee), and Education around the Prevent Alcohol and Risk Related Trauma in Youth initiative (P.A.R.T.Y.), designed to educate teenagers (ages 15 and 16) about the consequences of risk and serious injury, and exploring options to incorporate this program into a restorative justice/diversion program for youth

Child Safety Link 424-5362
provides funding to strengthen car seat/booster seat education, implement a provincial car seat safety strategy, establish a network of car seat coalitions across the province, explore development of a loaner/donor program for car seat/booster seats

Suicide Prevention Strategy 424-5362
carries out implementation of the suicide prevention strategy and continues its work with CMHA to support the development of community-based suicide prevention initiatives including actively exploring a specific initiative for LGBT (Lesbian Gay Bisexual Transgender)

Road Safety 424-5362
partners with Transportation and Public Works as part of the Road Safety Advisory Committee to put a road safety communications campaign together targeting impaired driving and speeding

Helmet Safety **424-5362**
supports a number of helmet safety related activities including policy development, Helmet Safety Action Coalition, Noggin Knowledge Program, support for helmets (disparities issues), and various other awareness and enforcement programs

Alcohol Strategy **424-4368**
coordinates the development of a provincial Alcohol Strategy planned for completion this year

Fetal Alcohol Spectrum Disorder (FASD) **424-4368**
focuses on priorities related to FASD with several government departments, including participating in the Atlantic Intergovernmental FASD Partnership, revisiting the FASD report made to CAYAC in 2000, and identifying stakeholders to contribute to the development of the alcohol strategy related to FASD

Web-based Alcohol and Drug Education Curriculum Resources . . **424-4368**
works with Education to provide leadership in the development of web-based Alcohol and Other Drug Education Curriculum Resources for teachers and students in grades 10 to 12

Targeted Education Programs on Risks of Gambling **424-2175**
plans early identification/intervention programs in the near future to increase knowledge of youths and seniors and provide tools that they need to help mitigate at-risk and problem gambling

Rural Women and Youth Addiction Service **424-4368**
provides rural women and youth increased accessibility to prevention, early intervention, and treatment services in their communities

Addictions Prevention Curriculum Supplement **424-4368**
provides, in partnership with the Department of Education, an addictions prevention curriculum supplement for grades 7–9

Problem Gambling Social Marketing Campaign **424-2175**
targets problem and at-risk gamblers aged 19–34 years

Nova Scotia Student Drug Use Survey **424-4368**
administers, in collaboration with the other Atlantic provinces, a standardized survey to gather relevant monitoring data to evaluate the successes within the field of addictions-related health including goals, objectives, and strategies related to adolescent substance abuse, gambling, and associated behaviours

MomsandDads.ca—Parenting Social Marketing Campaign (Chronic Disease Prevention) **424-5840**
targets parents of young children aged 0–12 years to motivate parents to make changes to improve the health of their children, focusing on healthy eating, physical activity, car seat/booster seat usage, and second-hand smoke in the home

Appendix C

Crime Prevention and Community Safety Initiatives

Safe Communities

Minister's Task Force on Safer Streets and Communities—will consult with wide range of stakeholders on community crime prevention. Meetings will be held throughout winter 2007, with a report planned for spring 2007.

Safer Communities and Neighbourhoods Act—provides for an investigative unit to work with communities on enforcement orders to shut down illegal activities. The act is being proclaimed in January 2007. Staffing is underway.

More Probation Officers—placed across the province (at least one in each of eight regions) to provide intensive support and supervision for youth.

Law Enforcement

250 New Police Officers—will be phased-in over four years. The first officers will be placed in communities in spring 2007. Further consultation with police will help determine where remaining officers will be placed.

Funding to Fight Internet-Based Crime—provided to dedicated squads to fight child pornography, $330,000 in 2006–2007.

Criminal Intelligence Service Nova Scotia—providing $6 million over four years to law enforcement to combat organized crime such as the illegal drug trade, illegal tobacco, electronic fraud, gang murders, etc.

Electronic Supervision—launched in May 2006. Nova Scotia is the first province to use GPS tracking to monitor offenders on house arrest, beginning in Halifax, with continued implementation across Nova Scotia.

Conditional Sentence Supervision—forging stronger links among probation officers and police to improve offender supervision in the community. A protocol has been developed and implemented by Community Corrections, the Public Prosecution Service, and law enforcement.

Reward Program—Provides rewards for information leading to convictions in unsolved murders. Launched in October 2006.

Youth Crime

Youth Criminal Justice Act—will continue to lobby the federal government for changes to toughen the act to protect the public. The federal justice minister committed to making legislative change in October 2006. Justice Minister Murray Scott met with the federal justice minister in December 2006 to bring the specific Nunn Commission recommendations to his attention.

Attendance Centre (Halifax Youth Resource Centre)—will open in February 2007. Collaboration among Justice, Health, Education, and Community Services will provide programs and services to youth offenders in the community.

Bail Supervision—will help police monitor bail compliance and provide more aggressive monitoring of offenders in the community. $200,000 will begin the program in Halifax, beginning in 2007.

Restorative Justice—brings youth offenders together with the people who were harmed by the offence. Together, they must develop a plan that holds the youth accountable for his or her actions.

Drugs

An Act to Combat the Production and Use of Illegal Drugs—passed in spring 2006, proclamation expected in 2007.

Provincial Drug Strategy—being developed by Justice, Health, Education, Health Promotion and Protection, and law enforcement.

Effective Court Processes

Legal Aid—$700,000 announced in the 2006-2007 budget to provide youth duty counsel. This enables youth to receive legal advice at their first appearance.

The province continues to push the federal government to restore 50/50 funding (province now provides significant majority). This issue was raised at meetings of the federal/provincial/territorial justice ministers in October 2006.